

AFFIDAVIT, ORDER AND NOTICE OF GARNISHMENT OF PROPERTY OTHER THAN PERSONAL EARNINGS AND ANSWER OF GARNISHEE

(O.R.C. 2716.11, 12, 13)

The State of Ohio
County of _____, SS

Court
_____, Ohio

vs. Judgment Creditor

Case No. _____
Docket No. _____ Page _____

(The debt collector is attempting to collect a debt and any information obtained will be used for that purpose.)

Judgment Debtor

AFFIDAVIT IN SUPPORT OF MOTION FOR ORDER OF GARNISHMENT OF PROPERTY OTHER THAN PERSONAL EARNINGS¹

The undersigned, _____, the _____,²
being first duly sworn, states that:

1. The name of the Judgment Debtor whose property, other than personal earnings, the Judgment Creditor seeks to garnish is _____

2. The affiant has good reason to believe and does believe that _____, the
Garnishee, may have property, other than personal earnings, of the Judgment Debtor that is not exempt under the laws of this State or the United States.

3. The property is described as follows:

4. The Judgment Creditor has obtained judgment against the Judgment Debtor which remains unsatisfied.

Signed at _____, Ohio on _____,^{3, 4}

Affiant's Signature

STATE OF OHIO
COUNTY OF _____

SS: _____

Sworn to before me and subscribed in my presence this _____ day of _____,

Notary Public - State of Ohio

¹ To be used to commence a proceeding after judgment and after journalization of judgment. ORC § 2716.11.

² The Judgment Creditor, the Judgment Creditors agent, or attorney. ORC § 2716.11.

³ Must be accompanied by garnishment fee. ORC § 2716.12 and by Motion for Order, Order and Notice of Garnishment, Notice to the Judgment Debtor and Request for Hearing, and a praecipe instructing the Clerk to issue two copies of the Notice and Hearing Request to the Judgment Debtor. ORC § 2716.13(C)(1).

⁴ Court must schedule a hearing within 12 days of the filing of this proceeding. ORC § 2716.13(A).

SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT^{1, 2, 3, 4}

To: _____, Garnishee.

The Judgment Creditor in the above case has filed an affidavit, satisfactory to the undersigned, in this _____
Court stating that you may have money, property, or credits, other than personal earning, in your hands or under your control that belong
to the Judgment Debtor.

You are therefore ordered to complete section B of this form, and return the completed original of this form, together with any amount shown due
on it, to the _____ Court not later than _____.

⁵ Deliver one completed copy of this form to the indicated Judgment Debtor. Keep the other copy for your files.

The total probable amount now due on this judgment,
including interest and court costs, is \$ _____.

You also are ordered to hold safely anything of value that belongs to the indicated Judgment Debtor that has to be paid to the Court, as determined under Section (B)
of this form, but that is of such a nature that it cannot be so delivered, until further order of the Court.

Witness my hand and the seal of this court this _____ day of _____.

Judge

SECTION B. ANSWER OF GARNISHEE ⁶

Now comes _____ the Garnishee who says:

1. That the Garnishee has more than \$400.00 in money, property, or credits, other than personal earnings of the indicated Judgment Debtor under his control and in his possession.

Yes No If yes, amount over \$400.00 _____

2. Said property is described as:

3. If the answer to line 1 is "yes" and the amount is less than the probable amount now due on the judgment, including interest and costs, as indicated in Section (A) of this form, sign and return this form and pay the amount of line 1 to the Clerk of this Court.

4. If the answer to line 1 is "yes" and the amount is greater than that probable amount now due, sign and return this form and pay that probable amount now due to the Clerk of this Court.

5. If the answer to line 1 is "yes" but the money, property, or credits are of such a nature that they cannot be delivered to the Clerk of this Court, indicate that by placing an "X" in this space _____ Do not dispose of that money, property, or credits or give them to anyone else until further order of the Court.

6. If the answer to line 1 is "no", sign and return this form to the Clerk of this Court.

I certify that the statements above are true.

Print name of Garnishee

Print name and title of person who completed form

Signed _____
(Signature of person completing form)

Dated this _____ day of _____, 20____⁶

Copy delivered to Judgment Debtor this _____ day of _____, 20____

SECTION A SHALL BE FILLED IN BEFORE SERVICE. SECTION B SHALL BE FILLED IN BY THE GARNISHEE AND THE ORIGINAL FILED WITH THE COURT AS GARNISHEES ANSWER. THE GARNISHEE MAY KEEP ONE COMPLETED COPY AND SHALL DELIVER THE OTHER COMPLETED TO THE JUDGMENT DEBTOR.

¹ Three copies must be served on Garnishee. ORC § 2716.13(B). Garnishee returns one to the Clerk of Courts and one to the Judgment Debtor and one is retained by the Garnishee. Must be served not later than seven days prior to the scheduled hearing date. ORC § 2716.13(B).

² Set forth address of the Judgment Debtor.

³ To be completed by the Judgment Creditor.

⁴ Must be accompanied by Motion for Order, Affidavit, Notice to the Judgment Debtor, and a praecipe instructing the Clerk to issue two copies of the Notice and the Hearing Request to the Judgment Debtor. ORC § 2716.13(C)(1).

⁵ Before the date set for the hearing as indicated on this notice. ORC § 2716.21(B) and ORC § 2716.13(B).

⁶ To be completed by the Garnishee.

THE FOLLOWING FOR COURT USE ONLY

I CERTIFY THIS IS TO BE A TRUE COPY OF THE ORIGINAL WITH ALL ENDORSEMENTS THEREON.

Title
By _____
Signature of Person Serving Order

RECEIVED THIS WRIT ON THE _____ DAY OF _____ 20____
ON THE _____ DAY OF _____ 20____

I SERVED THIS WRIT ON THE WITHIN NAMED GARNISHEE(S) _____

BY MAILING A TRUE COPY OF THIS ORDER OF GARNISHMENT

BY CERTIFIED MAIL BY REGULAR MAIL

BY LEAVING A TRUE COPY OF THE ORDER OF GARNISHMENT

AT USUAL PLACE OF RESIDENCE AT COMPANY OR CORPORATION
 WITH GARNISHEE PERSONALLY GARNISHEE - NOT FOUND

Title
By _____
Signature of Person Serving Order

REQUEST FOR HEARING
(Money—Property—Credits)
(ORC 2716.13)

Case No. _____ Court, _____
_____ Ohio

I dispute the claim for possession of my money, property, or credits, other than personal earnings, in the above case and request that a hearing in this matter be held _____
(Insert "on" or "earlier than")

the date and time set forth in the document entitled "NOTICE TO THE DEFENDANT" that I received with this request form.

I dispute the claim for the following reasons:*

Date _____ (Name of Defendant-Please Print)

(Signature)

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, YOU WAIVE YOUR RIGHT TO A HEARING AND SOME OF YOUR MONEY, PROPERTY, OR CREDITS, OTHER THAN PERSONAL EARNINGS, NOW IN THE POSSESSION OF _____ WILL BE PAID TO
(Garnishee's Name)

(Plaintiff's Name) **TO SATISFY SOME OF YOUR DEBT TO HIM.**

*OPTIONAL