AFFIDAVIT, ORDER AND NOTICE OF GARNISHMENT AND ANSWER OF GARNISHEE (PERSONAL EARNINGS)

| Judgment Creditor | HOCKING COUNTY MUNICIPAL COURT LOGAN, OHIO 105 West Hunter Street Post Office Box 950 Logan, OH 43138 | |
|--|--|--|
| -V- | Case No. | |
| Tudement Debter | | |
| Judgment Debtor | | |
| , 20 , duly recovered a judgment in the affiant, have good reason to believe and do believe that same, non-exempt under R.C. 2329.66, that the written demand required by portion been made to prevent the garnishment of personal earnings pursuant | am the Judgment Creditor herein, and that said Judgment Creditor on the day of Court against said Judgment Debtor, which remains unsatisfied. I, the is an employer of the Judgment Debtor having personal earnings of the R.C. 2716.02 has been made, that the payment demanded has not been made, nor has a sufficient to R.C. 2716.02. I further have no k knowledge of any application by Judgment Debtor for the the debt is the subject of a debt scheduling agreement of a nature precluding garnishment under Sworn to and subscribe before me this day of , 20 | |
| | | |
| SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT | NOTARY PUBLIC | |
| personal earnings. You are therefore ordered to complete the "Answer of this form to the Clerk of this Court within five (5) business days after you and the accompanying documents entitled "Notice to the Judgment Debtor" copy of this form for your files. The Total Probable Amount now due of the Judgment is \$ of the Judgment Creditor, which is \$ | | |
| the statutory percentage, from the Judgment Debtor's personal disposable experiod beginning after you received this order. 3. The Judgment Creditor or the Judgment Creditor's Attorney files with this above has been satisfied or the Judgment Creditor or the Judgment Creditor from the mandate of this Order of Garnishment. 4. A municipal or county court appoints a trustee for the Judgment Debtor a 5. A Federal bankruptcy court issues to you an order that stays this Order of 6. A municipal or county court or a court of common pleas issues to you and different Judgment Creditor, and Ohio or Federal law provides the other ord 7. A municipal or county court or a court of common pleas issues to you and different Judgment Creditor and that does not have a higher priority than this 8. The Judgment Creditor or the Judgment Creditor's Attorney files with this the Order of Garnishment will cease to remain in effect. | d in full as a result of your withholding of the specified amount, calculated each pay period at arnings during each pay period of the Judgment Debtor that commenced with the first full pay is Court a written notice that the total probable amount due on the Judgment as described as Attorney files a written request to terminate this Order of Garnishment and release you and issues to you an order that stays this Order of Garnishment of Personal Earnings. Of Garnishment of Personal Earnings and the roller of Garnishment of Personal Earnings that relates to the Judgment Debtor and a ler with a higher priority than this Order. Other Order of Garnishment of Personal Earnings that relates to the Judgment Debtor and a list order. So order of Garnishment of Personal Earnings that relates to the Judgment Debtor and a list order. | |
| Section 2716.08 of the Ohio Revised Code. A copy of the "Final Report and Under the circumstances listed in (5) and (6) above, you must cease process one hundred eighty-second (182) day after you began processing it falls. Special stacking, priority of payment, and manner of payment rules an | with this Court a "Final Report and Answer of Garnishee", substantially in form set forth in d Answer of Garnishee" is attached to this Order of Garnishment of Personal Earnings. sing this Order of Garnishment after the expiration of the full pay period within which the oply when a Garnishee receives multiple Orders of Garnishment with respect to the same Code. An employer guide to processing continuous Orders of Garnishment is included with | |
| Witness by hand and the seal of this court this day of | , 20 JUDGE | |
| | JUDGE | |

SECTION B. ASWER OF EMPLOYER (GARNISHEE)

(An employer is one who is required to withhold payroll taxes out of payments of personal earnings made to the Judgment Debtor) , the Employer (Garnishee) herein who says: 1. This Order of Garnishment of Personal Earnings was received on the _____day of ______, 20 ____. 2. The Judgment Debtor is in my/our employ. No Yes (If the answer is "No", give date of last employment: ____/ _____/ 3.(A) Is the debt to which this Order of Garnishment of Personal Earnings pertains the subject of an existing agreement for debt scheduling between the Judgment Debtor and a budget and debt counseling service and has the Judgment Debtor made every payment that was due under the agreement for debt scheduling no later than forty-five days after the date on which the payment was due? (If the answer to both parts of this question is "Yes", give all available details of the agreement, sign this form, and return it No Yes to the court) 3A 3.(B) Were you, on the date that you received this Order of Garnishment of Personal Earnings, withholding moneys from the Judgment Debtor's personal disposable earnings pursuant to another Order of Garnishment of Personal Earnings that Ohio or Federal law provides with a higher priority than this Order of Garnishment (such as a Support Order or Internal Revenue No Yes (If the answer to this question is "yes", give the name of the court that issued the higher priority order, the associated case number, the date upon which you received that order and the balance due to the relevant Judgment Creditor under that order.) 3B 3.(C) Did you receive, prior to the date that you received this Order of Garnishment of Personal Earnings, one or more other Orders of Garnishment of Personal Earnings that ware not described in question 3B and are you currently processing one or more of those orders for the statutorily required time period or holding one or more of those orders for processing for a statutorily required period in the sequence of their receipt by you? No Yes (If the answer to the question is "yes", give the name of the court that issued each of those previously received orders, the associated case numbers, the date upon which you received each of those orders, and the balance due to the relevant judgment creditor under each of those orders. List first the previously received order (s) that you are currently processing, and list each of the other previously received orders in the sequence that you are required to process them.) 3C I CERTIFY THAT THE STATEMENTS ABOVE ARE TRUE. (PRINT name of Employer [Garnishee]) (PRINT name and title of person completing this form)

| I served the above garnishment order by leaving three copies t | hereof, together two copies of the Notice to Judgment Debtor and Request for Hearing form and |
|--|---|
| employers guide to processing continuous garnishments with | , an officer of managing or general agent of th |

Dated this _____ day of ______, 20 ____.

Garnishee. No Service because

Bailiff/Process Server Date of Return:

IN THE HOCKING COUNTY MUNICIPAL COURT, LOGAN, OHIO

| | : CASE NO. | |
|---|--|---|
| Judgment Creditor | : | |
| VS | : | |
| | <u>.</u> : | |
| Judgment Debtor | : | |
| FINAL | REPORT AND ANSWER OF GARNISHEE | |
| The garnishee, | , in the above case states as | follows: |
| 1. The date that the garnishee received to | the order of garnishment of the judgment debtor's pe | rsonal earnings was |
| of garnishment of the judgment debto 4. (When applicable) the total probable has been withheld (as stated in 3 abor judgment debtor's personal earnings of apply): a A municipal or cou- order of garnishment of the ju- b A federal bankruptor personal earnings. c A municipal or cou- earnings that relates to the judgment debtor. | are the light of the judgment debtor's personal earnings and or's personal earnings remained in effect is amount due on the judgment (as stated in 2 above) in ve), and the reason for the that difference is that the ceased to be in effect for following statutory prescribility court appointed a trustee for the judgment debtorate degment debtor's personal earnings. In y court issued an order that stays the order of garnish and ye court or a court of common pleas issued another degment debtor and a different judgment creditor, and (Set forth the name of the court that issued the higher priority order was received, and the balance due | s not equal to the total amount that order of garnishment of the ped reason(s) (check whichever and issued an order that stays the himent of the judgment debtor's order of garnishment of personal Ohio or federal law provides the r priority order, the associated |
| earnings that relates to the jud above. (Set forth the name of | nty court or a court of common pleas issued another algment debtor and a different judgment creditor and the court that issued the subsequently received order was received, and balance due to the relevant judgr | that is not described in 4(c) r, the associated case number, the |
| garnishment be terminated an f The judgment debto | itor or the judgment creditor's attorney has issued a rand the garnishee released from the mandates of the orby's employment terminated on: | rder of garnishment. |
| I certify that the statements above are t | rue. | |
| (Print Name and Title of Person Who C | Completed Form on Behalf of the Employer) | |
| (Print Name of | f Employer) | |
| (Signature of employer or emp | ployer's agent who completed form) | Date |

IN THE HOCKING COUNTY MUNICIPAL COURT HOCKING COUNTY, OHIO

| | _ : | Case No. | |
|--------------------------------------|-------------------|-------------------------------|--|
| | _ : | | |
| N | _ : | <u>Motion</u> | |
| Plaintiff | : | | |
| Vs. | : | | |
| | : | | |
| | : | | |
| Defendant | <u> </u> | | |
| Plaintiff moves the Court for an Ord | der of Garnishn | nent against: | |
| | | | |
| to attach earnings of the Defendant | to satisfy the ju | adgment rendered in this case | |
| | | Plaintiff | |

HOCKING COUNTY MUNICIPAL COURT LOGAN, OHIO

| VS. | Plaintiff, | : : : | Case No. Precipe |
|--|-----------------------------------|------------------------------------|--|
| | Defendant. | : | |
| To the Clerk: | | | |
| Please issue Affidavit Debtor, Request for Hearing, | , Order, and No Interim Report | otice of Garnish t and Answer o | nment, Notice to Judgment f Garnishee, and Final Report |
| and Answer of Garnishee to t | he Employer a | t the listed addı | ress by certified mail. |
| | | | |
| | | | Plaintiff |

IN THE HOCKING COUNTY MUNICIPAL COURT, LOGAN, OHIO

REQUEST FOR HEARING (MONEY-PROPERTY-CREDITS-PERSONAL EARNINGS)

| Case No |
|---|
| I dispute the judgment creditor's right to garnish my money, property, or credits, or othe personal earnings, in the above case and request that a hearing be held no later than twelve days after delivery of this request to the court. |
| I dispute the judgment creditor's right to garnish my property or personal earnings for the following reasons: |
| |
| |
| I UNDERSTAND THAT NO OBJECTIONS TO THE JUDGMENT ITSELF WILL BE HEARD OR CONSIDERED AT THIS HEARING. |
| DATE: |
| (Printed name of judgment debtor) |
| (Signature of judgment debtor) |
| WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OD 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, OF |
| CREDITS, OR PERSONAL EARNINGS, NOW IN THE POSSESSION OF |
| |

Hocking County Municipal Court

WAGE GARNISHMENT PROCEDURES

If the debtor is employed, you may "garnish" his/her wages.

A Garnishment is the process which lets the creditor claim and take money owed to the creditor by another person. For example, the typical employee is paid one or two weeks after actually earning his/her wages. The employer is holding the employee's money during that time and through the garnishment process, may be required to pay a portion of these wages to the creditor. The garnishment process is as follows:

- 1) Mail a Notice to Collect Debt to the Judgment Debtor. (Forms are available at the Clerks office.) You will need to provide the Court with a copy of the above notice and proof of mailing of this notice when the actual garnishment is filed with the Court.
- 2) After fifteen days have passed, but no more that 45 days, and no money has been received, complete the following: Motion, Precipe for Service, Affidavit, Order and Notice of Garnishment and Answer of Garnishee, Notice to Judgment Debtor, Request for Hearing, Interim Report and Answer of Garnishee, and Final Report and Answer of Garnishee. In all cases, you need the correct mailing address for the garnishee (debtor's employer).
- 3) For the current filing fee, refer to the Civil costs sheet. All additional filing fees may be added to the judgment.
- 4) The Court will issue the garnishment to the employer or bank, the Clerk should receive an answer of garnishee from the employer within five days. The employer will then begin to withhold the Debtor's wages. The money will be paid into the Court within 30 days after each pay period and the Clerk will issue a check to you. The judgment debtor is given an opportunity to request a hearing to determine if his wages are exempt from garnishment. If a hearing is requested, the garnishment money will be held by the Court until the hearing date. The Judge will make a decision at the hearing.
- 5) Effective March 30, 1999, the wage garnishment became an ongoing process. Therefore, the garnishment will continue unless either of the following occur:
- A.) Notice of another garnishment order is received from another creditor.
 - B.) A higher priority garnishment is received (such as child support, IRS, tax levies).
 - C.) Bankruptcy
 - D.) Satisfied
 - E.) Paid in full
 - F.) Trusteeship appointed or order staying

IN THE HOCKING COUNTY MUNICIPAL COURT, LOGAN, OHIO INTERIM REPORT AND ANSWER OF GARNISHEE

| | | CASE NO: _ | |
|-----|---|--|---|
| (Ju | dgment Creditor) | | |
| Ju | dgment Debtor) | | |
| The | e garnishee, in the above cas | se states as follows: | |
| 1. | The date that the garnishee received the order of garnishm, 20 | nent of the judgment deb | tor's personal earnings was |
| | The total probable amount due on the judgment, including prejudgment interest, as stated in either section A of the ocarnings or in the affidavit of current balance due on garn subsequent to the order of garnishment, is | order of garnishment of the ishment order if that affi | ne judgment debtor's personal davit has been received |
| 3. | The pay period of the judgment debtor is | | (weekly, biweekly, etc.) |
| 4. | The disposable earnings of the judgment debtor earned du | uring the judgment debto | r's present pay period is |
| | (Disposable earnings means earnings means after deductions r which you are completing this form) | equired by law. Present po | ny period means the pay period for |
| 5. | The amount equal to twenty-five percent (25%) of the jud of this form is | lgment debtor's disposab | ole earnings set forth in Section 4 |
| 6. | X (times) the current federal minimum hour (If the judgment debtor is paid weekly, enter thirty; if paid bive monthly, enter one hundred and thirty, then calculate the amount | zekly, enter sixty; if paid sei | \$ mimonthly, enter sixty-five; if paid |
| 7. | The amount by which the amount in Section 4 of this form | n exceeds the amount in | Section 6 of this form is |
| 8. | The smallest of either the amount entered in Section 5 of the amount entered in Section 2 of this form is | this form, the amount en | tered in Section 7 of this form, or\$ |
| 9. | The amount entered in Section 8 of this form, plus or min | nus the garnishee's proce | ssing fee is \$ |
| 10. | Other deductions | | \$ |
| 11. | The calculated amount that has been withheld from the judebtor's present pay period and that is submitted with this is | s "Interim Report and Ar | nswer of Garnishee" |
| | I certify that the statements above are true. Dated this | day of | |
| | Printed Name of Employer | Printed Name of perso | on who completed form |
| | | Signature of person w | ho completed form |

IN THE HOCKING COUNTY MUNICIPAL COURT LOGAN, OH

NOTICE OF COURT PROCEEDING TO COLLECT DEBT

(ORC 2716.02)

| Date of Mailing or Service by the Court | , 20 | |
|---|--|-----------------|
| To: | | |
| To: | | |
| (last known residence) | | |
| You owe the undersigned costs for which a judgment was obtained agains | you or certified in the Hocking County Municipal Court on | |
| ,, payi | nent of which is hereby demanded. | |
| If you do not do one of these three thing notice or of its service by the court, we will go to ask that your employer be ordered to withhold rapplicable, is paid to a certain extent and to pay called garnishment of personal earnings. It is to your advantage to avoid garnishment your employer possibly could cause you to lose YOU CAN AVOID GARNISHMENT FIFTEEN DAY PERIOD: 1. Pay to us the amount due; 2. Complete the attached form entitled payment, if any, shown due on it; or 3. Apply to your local municipal or courcounty court in whose jurisdiction your place of | listed below within fifteen days of the date of the mailing of this court, unless we are otherwise precluded by law from doing so a oney from your earnings until the judgment is paid in full or, if the withheld money to the court in satisfaction of your debt. This ent of personal earnings because the placing of the extra burden or | and s is |
| appointment of a trustee. You will be required due on their claims and the amount you then wi | o list your creditors, the amounts of their claims, and the amounts pay to your trustee each payday will be divided among them untitage because in the meantime none of those creditors can garnish | til |
| You may also contact a budget and debt the Revised Code for the purpose of entering in to set up an agreement for debt scheduling in or payment, but entering into an agreement for debt wages. Under an agreement for Debt Schedulin until the debts subject to the agreement are paid | counseling service described in Division (D) of Section 2716.03 of an agreement for debt scheduling. There may not be enough time of a void garnishment of your wages based upon this demand for scheduling might protect you from future garnishments of your g, you will have to regularly pay a portion of income to the service off. This portion of your income will be paid by the service to your ement. This can be to your advantage because these creditors cannot to the service on time. | ne For ee |
| | Signature of Creditor or Creditor's Attorney | |

Name and Address of Creditor

| | (as ex stamp addre *Effa remai | This der named *by deli the at his us *by sen h u day of *by sen *by sen *by sen h *by | | | 1 1 | | |
|--|--|--|--|---------------------------|----------------------|---|-----------------|
| | day ofday ofday ofday ofday of | This demand served i named *by delivering it to h the | STATUT FOR PAY AND NOTIO OF GA PRO | | VS | Hocl Mun Hockin | Civil Doc. Page |
| Title | day of | This demand served in writing on the within named "by delivering it to h by personal service on the day of, 20 by the court at his usual place of residence. "by sending it by registered or certified letter to h usual place of residence on the day of, 20 "hy sending it by regular mail on the | STATUTORY DEMAND FOR PAYMENT OF DEBT AND NOTICE OF PENDENCY OF GARNISHMENT PROCEEDINGS | Defendant | Plaintiff | Hocking County Municipal Court Hocking County, Ohio | 00 |
| Payment to avoid ga | ırnishment | | | l | | | |
| (Name and | address of Judgment Cred | litor) | | | | | |
| · | ne garnishment of personal | | ave given me notice | . Lenclose | \$ | | to |
| | debtedness to you. The am | | | | Ψ | | _ 10 |
| 1. Total amount of | indebtedness demanded: | | (| 1) \$ | | | |
| 2. Enter the amount period in which this | of your earnings after ded demand is received by you | luctions required by law, u): | earned by you during | ng the curro 2) \$ | ent pay po | eriod (that is, | the pay |
| 3. (A) Enter your pa | y period (weekly, bi-week | ly, semi-monthly, month | ly): (3A | A) \$ | | | _ |
| 3. (B) Enter the date | when your present pay pe | eriod ends: | (3E | 3) \$ | | | _ |
| 4. Enter an amount | equal to 25% of the amour | nt on line 2: | (| 4) \$ | | | |
| (You should use the minimum hourly wa | Federal minimum hourly w above figure to complete t ge: if paid bi-weekly, ente current federal minimum h | this portion of the form.) er sixty times the current | If you are paid weef federal minimum he | ekly, enter ourly wage | thirty time: if paid | semi-monthly | , enter |
| (B) Enter the an | nount by which the amount | t on line 2 exceeds the ar | nount on line 5A | | | | |
| 6. Enter the smallest have signed it: | of the amounts on lines 1, | , 4, or 5B. Send this amo | ount to the Judgmen | | | h this form aft | |
| Ic | certify that the statements c | contained above are true | to the best of my kn | owledge ar | nd belief. | | |
| Signature of Debtor | | | Printed na | me of Deb | otor | | |
| | nt shown on line 2 is a true statem rnings or you may submit copies of | | | | | | line 2 is a |
| I certify the | at the amount shown on Lin | ne 2 is a true statement o | f the Judgment Debi | tor's earni | ngs. | | |
| Printed name of Em I certify the | ployer at I have attached copies of | f my pay stubs for the two | Signature o pay periods immed | | | eceiving this r | ıotice. |
| | | | Signature | of Debtor | | | |

HOCKING COUNTY MUNICIPAL COURT, LOGAN, OHIO

NOTICE TO JUDGMENT DEBTOR

| | Case No. |
|--|--|
| Name & Address of Judgment Creditor | PERSONAL EARNINGS |
| VS | _ |
| Name & Address of Judgment Debtor | - |
| (Name of Judgment Creditor) some of your personal earnings be used in satisfaction to you. This order was issued on the basis of the judg Hocking County Municipal Court in the above named the claims of creditors. Additionally, wages under a creditors. The documents entitled "ORDER AND NO EMPLOYER" that are enclosed with this notice show earnings was calculated by your employer. If you dispute the judgment creditor's right to entitled to possession of the personal earnings because any other reason, you may request a hearing before th form, or in a substantially similar form and delivering 105 West Hunter Street Logan, Ohio 43138 no later th notice. You may state your reasons for disputing the state your reasons, it will not be held against you by the OBJECTIONS TO THE JUDGMENT ITSELF WHEARING. The hearing will be limited to a considerance used in satisfaction of the judgment you owe to the judgment crecive this notice of the date, time, and need for the hearing is an emergency and that it should need for the hearing is an emergency and that it should need for the hearing is an emergency and that it should need for the hearing is an emergency and that it should need for the hearing is an emergency and that it should need for the hearing is an emergency and that it should need for the hearing is an emergency and that it should need for the hearing is an emergency and that it should need for the hearing is an emergency and that it should need for the hearing is an emergency and that it should need for the hearing is an emergency and that it should need for the hearing is an emergency and that it should need for the hearing is an emergency and that it should need for the hearing is an emergency and that it should need for the hearing is an emergency and that it should need for the hearing is an emergency and that it should need for the hearing is an emergency and that it should need for the hearing is an emergency and that it should need for the hearing the provided near the provided need to the provided need to th | the judgment creditor in this proceeding, directing that of your debt to the judgment creditor instead of being paid ment creditor's judgment against you that was obtained in d case on |
| and place. If you do not request a hearing by delivering | ng your request for hearing no later than the end of the fifth ur personal earnings will be paid to the judgment creditor. |
| · · · · · · · · · · · · · · · · · · · | ter, you may contact the Hocking County Municipal Court. our lawyer immediately. If you need the name of a lawyer, |
| (date) (year) | By |