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

The State of Ohio
County of Cuyahoga

EUCLID MUNICIPAL COURT
555 East 222nd Street
Euclid, Ohio 44123
(216) 289-2888

Clerk's Filed Stamp

_____
_____
_____
_____
Judgment Creditor

vs

_____
_____
_____
_____
Debtor Judgment

CASE NO: _____

ANSWER DATE: _____

The undersigned, being first duly cautioned and sworn, affirmed according to law, says that he is the Judgment Creditor/Attorney for Judgment Creditor herein, and that said Judgment Creditor heretofore, to-wit, on the _____ day of _____, _____ duly recovered or transferred a judgment in the **Euclid Municipal Court** against said Judgment Debtor which remains unsatisfied.

AMOUNT OF JUDGMENT	=	$
Plus INTEREST TO DATE (interest rate= _____%)	+	$
Plus COURT COSTS TO DATE, including the COST OF THIS PROCEEDING	+	$
Minus AMOUNT RECEIVED AFTER JUDGMENT	-	$
AMOUNT NOW DUE	=	$

The affiant has good reason to believe and does believe that the Garnishee(s) named in Section A of this form has property other than personal earnings, of the judgment debtor and that is not exempt under the laws of the State of Ohio or the laws of the United States. The property is described as money, property or credits, including but not limited to Account Number: _____

Attorney for Judgment Creditor

_____
_____
_____
_____

_____
Affiant's Signature

Sworn to and subscribed before me this _____ day of _____, _____.

_____
Notary Public / Deputy Clerk

PRAECIPE TO THE BAILIFF OF SAID COURT – GREETING You are commanded to serve upon the garnishee three copies of the following court order and notice of garnishment and answer of garnishee. Also serve upon the judgment debtor two copies of the notice to judgment debtor and a request for hearing by ordinary mail.

SECTION A: COURT ORDER AND NOTICE OF GARNISHMENT

To: _____, garnishee(s)

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 earnings, in your hands or under your control that belong to the Judgment Debtor. You are therefore ordered to complete the "ANSWER OF GARNISHEE" in Section B of this form. Return one completed and signed copy of this form to the Clerk of Court together with the amount determined in accordance with the "ANSWER OF GARNISHEE" by the following date on which a hearing is tentatively scheduled relative to this order of garnishment: _____. Deliver one completed and signed copy of this form to the Judgment Debtor prior to that date. Keep the other completed and signed copy of this form for your files.

You also are ordered to hold safely anything of value that belongs to the Judgment Debtor and that has to be paid to the court, as determined under the "Answer of Garnishee" in Section B of this form, but that is of such a nature that it cannot be delivered, until further order of this court.

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

_____
Judge

SECTION B: ANSWER OF GARNISHEE

Now comes _____, the garnishee, who says:

1. That the garnishee has more than $500.00 in money, property or credits, other than personal earnings, of the Judgment Debtor under the garnishee's control and in the garnishee's possession.

   YES_____ NO_____ If yes, enter amount over $475.00_____

2. That 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, 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 the probable amount now due on the judgment, 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.

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 by placing an "X" in this space. ☐

Do not dispose of that money, property, or credits or give them to anyone 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)

Signed: _____ _____
(Signature of Person Completing Form) (Print Name and Title of Person Completing Form)

Date: _____ _____
(Date this form was completed) (Area Code) (Phone Number)

RETURN OF THE BAILIFF (FOR COURT USE ONLY)

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

Bailiff Fee $_____ By _____
(SHERIFF BAILIFF CONSTABLE)

Pursuant to the within command, I served the within notice of garnishment and answer of garnishee upon within named Garnishee by leaving three true and certified copies, thereof, with all endorsements thereon, at the office and usual place of business of said company at _____ a.m. / p.m. on _____ with _____ in charge thereof. The president or other chief officer not found in my bailiwick.

AND on the same day I served the within named Judgment Debtor _____ by depositing in the United States Mail, enclosed in a sealed envelope, bearing sufficient postage, a true and certified copy thereof with all endorsements thereon, two copies of the notice to the Judgment Debtor and Request for Hearing, addressed to the Judgment Debtor at the address given herein. FEE PAID _____.

NOTICE TO JUDGMENT DEBTOR

EUCLID MUNICIPAL COURT
555 East 222nd Street
Euclid, Ohio 44123
(216) 289-2888

_____
_____
_____
_____
Judgment Creditor

vs

CASE NO. _____

MONEY –PROPERTY - CREDIT

_____
_____
_____
_____
Judgment Debtor

You are hereby notified that this court has issued an order in the above case in favor of _____, the judgment creditor in this proceeding, directing that some of your money, in excess of $475.00, property, or credits, other than personal earnings that now may be in the possession of _____ the garnishee in this proceeding to be used to satisfy your debt to the judgment creditor. This order was issued on the basis of the judgment creditor's judgment against you that was obtained in Euclid Municipal Court, in Case No. _____ on _____.

Upon your receipt of this notice, you are prohibited from removing or attempting to remove the money, property, or credits until expressly permitted by the court. Any violation of this prohibition subjects you to punishment for contempt of court.

The law of Ohio and the United States provides that certain benefit payments cannot be taken from you to pay a debt. Typical among the benefits that cannot be attached or executed upon by a creditor are the following:

1) Worker's Compensation Benefits;
2) Unemployment Compensation Payments;
3) Cash assistance payments under the Ohio works first program;
4) Disability assistance administered by the Ohio Department of Human Services;
5) Social Security Benefits;
6) Supplemental Security Income (S.S.I.);
7) Veteran's Benefits;
8) Black Lung Benefits;
9) Certain Pensions.

There may be other benefits not included in the above list that apply in your case.

If you dispute the judgment creditor's right to garnish your property and believe that the judgment creditor should not be given your money, property, or credits, other than personal earnings, now in the possession of the garnishee because they are exempt or if you feel that this order is improper for any other reason, you may request a hearing before this court by disputing the claim in the request for hearing form, attached, or in a substantially similar form, and delivering the request for hearing to this court at the above address, at the office of the Clerk of this Court no later than the end of the fifth business day after you receive this notice. You may state your reasons for disputing the judgment creditor's right to garnish your property in the space provided on the form however you are not required to do so. If you do state your reasons for disputing the judgment creditor's right, you are not prohibited from stating any other reason at the hearing. If you do not state your reasons, it will not be held against you by the court and you can state your reasons at the hearing. No objections to the judgment itself will be heard or considered at the hearing.

If you request a hearing, the hearing will be limited to a consideration of the amount of your money, property, or credits, other than personal earnings, in the possession or control of the garnishee, if any, that can be used to satisfy all or part of the judgment you owe to the judgment creditor.

If you request a hearing by delivering your request for hearing no later than the end of the fifth business day after you receive this notice, it will be conducted no later than twelve days after your request is received by the court, and the court will send you notice of the date, time and place. You may indicate in the form that you believe that the need for the hearing is an emergency and that it should be given priority by the court. If you do so, the court will schedule the hearing as soon as practicable after your request is received and will send you notice of the date, time, and place. If you do not request a hearing by delivering your request for hearing no later than the end of the fifth business day after you receive this notice, some of your personal earnings will be paid to the judgment creditor.

If you have any questions concerning this matter, you may contact the office of the clerk of this court. If you want legal representation you should contact your lawyer immediately. If you need the name of a lawyer, contact the local Bar Association.

_____
Date

_____
Clerk
by _____
Deputy Clerk

REQUEST FOR HEARING
MONEY – PROPERTY – CREDIT

EUCLID MUNICIPAL COURT
555 East 222nd Street
Euclid, Ohio 44123
(216) 289-2888

CASE NO: _____

I dispute the judgment creditor's right to garnish my money, property or credits 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 **do** / **do not** (circle one) feel that the need for the hearing is an emergency.

I dispute the judgment creditor's right to garnish my money, property or credits for the following reasons:

_____

_____

_____

_____

I UNDERSTAND THAT NO OBJECTIONS TO THE JUDGMENT ITSELF WILL BE HEARD OR CONSIDERED AT THE HEARING.

Date _____

Name of Judgment Debtor _____

Signature: _____

Address _____

_____

Phone Number: _____

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 WILL BE PAID TO THE JUDGMENT CREDITOR IN SATISFACTION OF YOUR DEBT TO THE JUDGMENT CREDITOR.