ORDER AND NOTICE OF GARNISHMENT AND ANSWER OF EMPLOYER

SECTION

A

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

Clerk's File Stamp

The State of Ohio
County of Cuyahoga, SS

CASE NO: _____

_____ _____
_____ _____
_____ vs. _____
_____ _____
Judgment Creditor Judgment Debtor

Judgment Creditor or
Attorney for Judgment Creditor _____
_____
_____
_____

I.D. for Judgment Debtor

SS No: _____

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 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 named in Section A of this form is an employer of the judgment debtor who may have personal earnings of the judgment debtor, that the Demand required by section 2716.02 of the Ohio Revised Code has been made and a true copy of said Demand of the payment demanded is attached hereto; that the payment demanded in said Demand has not been made, nor has a sufficient portion been made to prevent the garnishment of personal earnings as described in section 2716.02 of the Ohio Revised Code. The affiant has no knowledge of any application by the judgment debtor for the appointment of a trustee so as to preclude the garnishment of the judgment debtor's personal earnings and has no knowledge that the debt to which this affidavit pertains is the subject of a debt scheduling agreement of a nature that it precludes the garnishment of the personal earnings of the judgment debtor under section 2716.03(B) of the Ohio Revised Code.

_____
Affiant's Signature

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

_____
Notary Public / Deputy Clerk

SECTION A: COURT ORDER ANDICE OF GARNISHMENT

TO: _____, garnishee

The judgment creditor in the above case has filed an affidavit, satisfactory to the undersigned, in this court stating that you may owe the judgment debtor money for personal earnings.

You are therefore ordered to complete the "ANSWER OF EMPLOYER (GARNISHEE)" in Section B of this form. Return one completed and signed copy of this form to the clerk of this court within five (5) business days after you receive this order of garnishment. Deliver one completed and signed copy of this form and the accompanying documents entitled "NOTICE TO THE JUDGMENT DEBTOR" and "REQUEST FOR HEARING" to the judgment debtor. Keep the other completed and signed copy of this form for your files.

This order of garnishment of personal earnings is a continuous order that generally requires you to withhold a specified amount, calculated each pay period at the statutory percentage of the judgment debtor's personal disposable earnings during each pay period, as determined in accordance with the "INTERIM REPORT AND ANSWER OF GARNISHEE" from the judgment debtor's disposable earnings during each pay period of the judgment debtor commencing with the first full pay period beginning after you receive the order until the judgment in favor of the judgment creditor and the associated court cost, judgment interest, and, if applicable, prejudgment interest awarded to the judgment creditor described above have been paid in full. You generally must pay that specified amount, calculated each pay period at the statutory percentage, to the clerk of this court within thirty (30) days after the end of each of pay period of the judgment debtor and must include with that specified amount calculated each pay period at the statutory percentage an "INTERIM REPORT AND ANSWER OF GARNISHEE" substantially in the form set forth in section 2716.07 of the Ohio Revised Code. A copy of the "INTERIM REPORT AND ANSWER OF GARNISHEE" is attached to this order of garnishment of personal earnings, and you may photocopy it to use each time you pay the specified amount to the clerk of this court, you are permitted to deduct a processing fee of up to three dollars from the judgment debtor's personal disposable earnings for any pay period of the judgment debtor that an amount was withheld for that order (the processing fee is not a part of the court costs). You are not required to file with the court the "INTERIM REPORT AND ANSWER OF GARNISHEE" for any pay period of the judgment debtor for which an amount from the judgment debtor's personal disposable earnings during that pay period was not withheld for that order.

This order of garnishment of personal earnings generally will remain in effect until one of the following occurs:

1. The total probable amount due on the judgment as described above is paid in full as a result of your withholding of the specified amount, calculated each pay period at the statutory percentage, from the judgment debtor's personal disposable earnings during each pay period of the judgment debtor that commenced with the first full pay period beginning after you received that order.

2. The judgment creditor or the judgment creditor's attorney files with this court a written notice that the total probable amount due on the judgment as described above has been satisfied or the judgment creditor or the judgment creditor's attorney files a written request to terminate this order of garnishment and release you from the mandate of this order of garnishment.

3. A municipal or county court appoints a trustee for the judgment debtor and issues to you an order that stays this order of garnishment of personal earnings.

4. A federal bankruptcy court issues to you an order that stays this order of garnishment of personal earnings.

5. A municipal or county court or a court of common pleas issues to you another order of garnishment of personal earnings that relates to the judgment debtor and a different judgment creditor, and Ohio or federal law provides the other order with a higher priority than this order.

6. A municipal or county court or a court of common pleas issues to you another order of garnishment of personal earnings that relates to the judgment debtor and a different judgment creditor and that does not have a higher priority than this order.

7. The judgment creditor or the judgment creditor's attorney files with this court a written request to terminate and release the order of garnishment, and as a result, the order of garnishment will cease to remain in effect.

Under any of the circumstances listed above, you are required to file with this court a "FINAL REPORT AND ANSWER OF GARNISHEE" substantially in the form set forth in section 2716.08 of the Ohio Revised Code. A copy of the "FINAL REPORT AND ANSWER OF GARNISHEE" is attached to this order of garnishment of personal earnings. Under the circumstances listed in (5) and (6) above, you must cease processing this order of garnishment after the expiration of the full pay period within which the one hundred eighty-second (182) day after you began processing falls.

Special stacking, priority of payment, and manner of payment rules apply when a garnishee receives multiple orders of garnishment with respect to the same judgment debtor. These rules are set forth in section 2716.041 of the Ohio Revised Code. An employer guide to processing continuous orders of garnishment is included with this order of garnishment. You should become familiar with these rules.

Witness my hand and the seal of this court on this date of: _____

_____

Judge

ORDER AND NOTICE OF GARNISHMENT AND ANSWER OF EMPLOYER

SECTION

B

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

Clerk's Filed Stamp

The State of Ohio
County of Cuyahoga, SS

CASE NO: _____

_____ _____

_____ _____

_____ VS. _____

_____ _____

Judgment Creditor Judgment Debtor

Answer All Pertinent Questions

(An employer is one who is required to withhold payroll taxes out of payments of personal earnings made to the Judgment Debtor)

Now comes, _____, employer (garnishee) herein, who says:

1. This order of garnishment was received on the _____ day of _____.

2. The Judgment Debtor is in my/our employ: YES _____ NO _____
(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 (45) days after the date on which the payment was due?

YES_____ NO _____

[If the answer to both parts of this question is "YES", give all available details of the agreement, sign this form, and return it to the Court].

3 (A) _____

_____

(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 garnishment order (such as a support order or internal revenue service levy)?

YES _____ NO _____

[If the answer is "YES" give the name of the court that issued the higher priority order, the case number, the date the order was received, and the balance due to the relevant judgment creditor under that order.]

3 (B) _____

_____

(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 earning that are not described in 3 (B) and are you currently processing one or more of those orders of 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?

YES _____ NO_____

[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.]

3 (C) _____

_____

I CERTIFY THAT THE STATEMENTS ABOVE ARE TRUE.

_____ _____

Signature Date

_____ _____

Name & Title (Please Print) Employer Name (Please Print)

INTERIM REPORT AND ANSWER OF GARNISHEE

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

_____
_____
_____
_____
Judgment Creditor

vs.

Case No: _____

_____
_____
_____
_____
Judgment Debtor

The garnishee, _____, in the above case states as follows:

1. The date that the garnishee received the order of garnishment of the judgment debtor's personal earnings was: 1. _____

2. The total probable amount due on the judgment, including court costs, judgment interest, and, if applicable, prejudgment interest, as stated in either section A of the order of garnishment of the judgment debtor's personal earnings or in the affidavit of current balance due on garnishment order if that affidavit has been received subsequent to the order of garnishment, is: 2. _____

3. The pay period of the judgment debtor is: 3. _____
(Enter WEEKY, BIWEEKLY, SEMIMONTHLY or MONTHLY. Do not enter a pay period of more than one month)

4. The disposable earnings of the judgment debtor earned during the judgment debtor's present pay period is: 4. _____
("Disposable Earnings" means earnings after deductions required by law. "Present Pay Period" means the pay period in which you are completing this Interim Report and Answer of Garnishee.)

5. The amount equal to twenty-five percent (25%) of the judgment debtor's disposable earnings set forth in section 4 of this form is: 5. _____

6. _____ times current federal minimum hourly wage is: (If the judgment debtor is paid weekly, enter thirty (30) above; if paid biweekly, enter sixty (60) above; if paid semimonthly, enter sixty-five (65) above; if paid monthly, enter one hundred thirty (130) above; then calculate the amount) 6. _____

7. The amount by which the amount in section 4 of this form exceeds the amount in section 6 of this form is: 7. _____

8. The smallest of either the amount entered in section 5 of this form, the amount entered in section 7 of this form, or the amount entered in section 2 of this form is: 8. _____

9. The amount entered in section 8 of this form, plus or minus (as appropriate) the garnishee's processing fee is (If the amount entered in section 8 of this form equals the amount in section 2, then add up to three dollars ($3); otherwise subtract up to three dollars ($3).) 9. _____

10. The calculated amount that has been withheld from the judgment debtor's personal earnings during the judgment debtor's present pay period and that is submitted with this "**INTERIM REPORT AND ANSWER OF GARNISHEE**" is: 10. _____

I CERTIFY THAT THE STATEMENTS ABOVE ARE TRUE.

Signed: **X**_____ _____
(Signature of Person Completing Form) (Print Name of Employer)

Dated: _____ _____
(Date this form was completed) (Print Name of Person Completing Form)

Telephone Number: _____ _____
(Area Code) (Phone Number) (Print Title of Person Completing Form)

FINAL REPORT AND ANSWER OF GARNISHEE

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

_____
_____
_____
_____
Judgment Creditor

VS.

_____
_____
_____
_____
Judgment Debtor

Case No: _____

The garnishee,_____, in the above case states as follows:

1. The date that the garnishee received the order of garnishment of the judgment debtor's personal earnings was: 1. _____

2. The total probable amount due on the judgment, including court costs, judgment interest, and, if applicable, prejudgment Interest, as stated in either section A of the order of garnishment of the judgment debtor's personal earnings, or in the affidavit of current balance due on garnishment order if that affidavit has been received subsequent to the order of garnishment, is:
2. _____

3. The total amount that has been withheld from the judgment debtor's personal disposable earnings and paid to the court while the order of garnishment of the judgment debtor's personal earnings remained in effect is:
3. _____

4. (When applicable) the total probable amount due on the judgment (as stated in 2 above) is not equal to the total amount that has been withheld (as stated in 3 above), and the reason for that difference is that the order of garnishment of the judgment debtor's personal earnings ceased to be in effect for the following statutorily prescribed reason(s) (check whichever apply):

(a) _____ A municipal or county court appointed a **trustee for the** judgment debtor and issued an order that stays the order of garnishment of the judgment debtor's personal earnings.

(b) _____ A **federal bankruptcy** court issued an order that stays the order of garnishment of the judgment debtor's personal earnings

(c) _____ A municipal or county court or a court of common pleas issued another order of garnishment of personal earnings that relates to the judgment debtor and a different judgment creditor, and Ohio or federal law provides the other order a higher priority. (Set forth the name of the court that issued the **higher priority** order, the associated case number, the date that the higher priority order was received, and the balance due to the relevant judgment creditor under that order):

Court _____
(Name of court that issued higher priority order)

Case Number _____
(The associated case number)

Date Received _____
(The date the higher priority order was received)

Balance _____
(The balance due to the relevant judgment creditor under that order)

(d) _____ A municipal or county court or a court of common pleas issued **another order of garnishment** of personal earnings that relates to the judgment debtor and a different judgment creditor and that is not described in 4 (c) above. (Set forth the name of the court that issued the subsequently received order, the associated case number, the date the subsequent order was received, and the balance due to the relevant judgment creditor under that order):

Court _____
(Name of court that issued subsequently received order)

Case Number _____
(The associated case number)

Date Received _____
(The date that the subsequent order was received)

Balance _____
(The balance due to the relevant judgment creditor under that order)

I CERTIFY THAT THE STATEMENTS ABOVE ARE TRUE.

Signed: **X**_____ _____
(Signature of Person Completing Form) (Print Name of Employer)

Dated: _____ _____
(Date this form was completed) (Print Name of Person Completing Form)

Telephone Number: _____ _____
(Area Code) (Phone Number) (Print Title of Person Completing Form)

NOTE: After completing this "FINAL REPORT AND ANSWER OF EMPLOYER (GARNISHEE)", you must send one copy to the judgment creditor or the attorney for the judgment creditor by Regular U.S. Mail. Also, one copy must be sent to the Clerk of Court, at the address on this form, by Regular U.S. Mail.

NOTICE TO JUDGMENT DEBTOR

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

_____
_____
_____
_____

Judgment Creditor

vs.

Case No: _____

_____
_____
_____
_____

Judgment Debtor

GARNISHMENT OF PERSONAL EARNINGS

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 personal earnings be used in satisfaction of your debt to the judgment creditor instead of being paid to you. 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 _____.

The law of Ohio provides that you are entitled to keep a certain amount of your personal earnings free from the claims of creditors. Additionally, wages under a certain amount may never be used to satisfy the claims of creditors. The documents, entitled "ORDER AND NOTICE OF GARNISHMENT AND ANSWER OF EMPLOYER", that are enclosed with this notice show how the amount proposed to be taken out of your personal earnings was calculated by your employer.

If you dispute the judgment creditor's right to garnish your personal earnings and believe that you are entitled to possession of the personal earnings 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, accompanying this notice, 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 personal earnings in the space provided on the form; however, you are not required to do so. If you do 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.** The hearing will be limited to a consideration of the amount of your personal earnings, if any, that can be used in satisfaction of the judgment you owe to the 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

_____
Deputy Clerk

REQUEST FOR HEARING
PERSONAL EARNINGS

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 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 **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 personal earnings 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 PERSONAL EARNINGS WILL BE PAID TO THE JUDGMENT CREDITOR IN SATISFACTION OF YOUR DEBT TO THE JUDGMENT CREDITOR.