

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

Case No. _____

The State of Ohio
County of Butler, SS

_____, **Judgment Creditor**

VS.

_____, **Judgment Debtor**

Address



Clerk's Received Stamp (**Initial Filing**)

HAMILTON MUNICIPAL COURT
ATTN: CIVIL
345 HIGH ST, 2ND FLOOR
HAMILTON, OH 45011
PHONE: 513-785-7330

AFFIDAVIT

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

The undersigned, first duly cautioned and sworn, deposes that I am _____, the Judgment Creditor herein, and that said Judgment Creditor on the ___ day of _____, duly recovered a Judgment in the Hamilton Municipal Court against the Judgment Debtor name above. I state that the Garnishee named _____ at the address of _____ may be an employer of the judgment debtor and who may have personal earnings of the same. I state that a written demand required by R.C. 2716.02 has been made, that payment demanded has not been made and a sufficient portion of that payment demanded has not been made to prevent the garnishment of personal earnings as described in R.C. 2716.02. I further have no knowledge of any application by judgment debtor for the appointment of trusteeship so as to preclude garnishment, nor knowledge that the debtor is the subject of a debt scheduling agreement of a nature precluding garnishment.

ATTORNEY FOR JUDGMENT CREDITOR

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

NOTARY PUBLIC

SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT

To: _____, Garnishee (name and address of employer)

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 Judgment debtor and Request for Hearing to the judgment debtor. Keep the other completed and signed copy of this form for your files.

- The *total* probable amount now due on this judgment is: \$ _____
- The total probable amount now due includes the unpaid portion of the Judgment in favor of the Judgment creditor, which is: \$ _____
- Interest on that judgment and, if applicable, pre-judgment interest relative to the judgment at the rate of: _____ %
per annum payable until that judgment is satisfied in full
- Court costs in the amount of: \$ _____

This order of garnishment of personal earnings is a continuous order that requires you to withhold a specified amount,

calculate each pay period at the statutory percentage, of the judgment debtor's personal disposable earnings during each pay period of the judgment debtor as determined in accordance with the Interim Report and Answer of Garnishee, from the judgment debtor's personal 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 costs, judgment interest, and, if applicable, prejudgment interest awarded to the judgment creditor as 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 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 is attached to this order of garnishment of personal earnings, and you my 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 (3) 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 remains in effect until whichever of the following occurs first:

1. The total probable amount due on the judgment, as described above, is paid in full to the judgment creditor as a result of your withholding the specified amount from the judgment debtor's personal disposable earnings during each pay period of the judgment debtor's disposable earnings during each pay period of the judgment debtor commencing with the first full pay period beginning after you received this order.
2. The judgment creditor or 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 you an order that stays this order of garnishment of personal earnings.
4. A bankruptcy court of the United States issues to you an order that stays this order of garnishment of personal earnings.
5. A municipal or county court or 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, county, or court of common pleas issues you another order of garnishment of personal earnings that relates to the Judgment debtor and a different judgment creditor and 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 §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 it fails.

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 set forth in §2716.041 of the Ohio Revised Code. An employer guide to processing continuous order 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 this _____ day of _____, 20_____.

Judge, HAMILTON Municipal Court

SECTION B: ANSWER OF EMPLOYER

Case No. _____

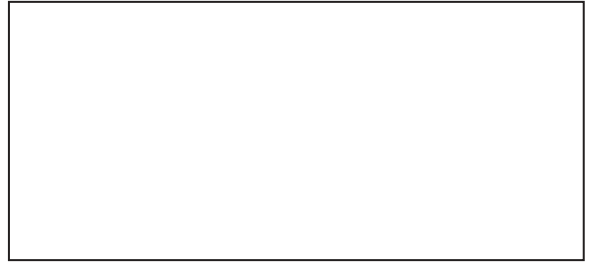
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An employer is the one who is required to withhold payroll taxes out of payments of personal earnings made to the judgment debtor.

ANSWER ALL PERTINENT QUESTIONS

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

- 1. This order of garnishment of personal earnings was received on (date): (1) _____
- 2. The judgment debtor is in my/our employee. (2) (___) Yes (___) No

If answer is "No," give date of last employment: _____

If never employed, check here _____

- 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? 3(A) (___) 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.

Details of Agreement: _____

- (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 of personal earnings (such as a support order or Internal Revenue Service levy)? 3(B) (___) Yes (___) No

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.

Court Name: _____

Associated Case Number: _____

Date Order Received: _____ Balance Due Creditor: \$ _____

(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 are not described in question 3(B), 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?

3(C) () Yes () No

If the answer to this question is "Yes," give the name of the court that issued each of those previously received orders, the associated case number, 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.

Court Name: _____

Associated Case Number: _____

Date Order Received: _____ Balance Due Creditor: \$ _____

I certify that the statements above are true.

Print name of employer

Signature of Employer or Employer's Agent

Print name and Title of Person Completing Form on Behalf of Employer

Phone Number

Dated this _____ day of _____, 20_____