

THE MUNICIPAL COURT OF MONTGOMERY COUNTY, OH AFFIDAVIT, ORDER AND NOTICE OF GARNISHMENT
OF PERSONAL EARNINGS AND ANSWER OF EMPLOYER (R.C. 2716.05)

revised 11/16/18

SOCIAL SECURITY NUMBER JUDGMENT CREDITOR
-vs-

SOCIAL SECURITY NUMBER JUDGMENT DEBTOR

THE MUNICIPAL COURT OF MONTGOMERY COUNTY
WESTERN DIVISION EASTERN DIVISION
CIVIL DEPARTMENT CIVIL DEPARTMENT
875 E MAIN ST 6111 TAYLORSVILLE RD
TROTWOOD, OH 45426 HUBER HEIGHTS, OH 45424

Case No. _____
Exec. No. _____

This number must be used on all references
(The debt collector is attempting to collect a debt and any information
obtained will be used for that purpose).

STATE OF OHIO, COUNTY OF MONTGOMERY, ss:

The undersigned, first duly cautioned and sworn, deposes that I am the attorney/ Judgment Creditor herein, and that said Judgment Creditor on the _____ day of _____, 20_____, duly recovered a judgment in the _____ Court against the Judgment Debtor named above. I, the affiant, have good reason to believe and do believe that _____ is an employer of the judgment debtor having personal earnings of the same, nonexempt under R.C. 2329.66, that the written demand required by R.C. 2716.02 has been made, that the payment demanded has not been made, nor has a sufficient portion been made to prevent the garnishment of personal earnings pursuant to R.C. 2716.02. I further have no knowledge of any application by Judgment Debtor for the appointment of a trustee so as to preclude garnishment, nor knowledge that the debt is the subject of a debt scheduling agreement of a nature precluding garnishment under R.C. 2716.03(B).

ATTORNEY FOR JUDGMENT CREDITOR

Sworn to and subscribed before me
this _____ day of _____, 20_____.

NOTARY PUBLIC

SECTION A: COURT ORDER AND NOTICE 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 owe the Judgment Debtor money for personal earnings which are nonexempt from garnishment under the laws of Ohio and the United States. **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 together with the amount determined in accordance with the "Answer of Employer (Garnishee)." **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 copy of this form for your files.

The total probable amount now due on this judgment is \$ _____. (The total probable amount due includes the unpaid portion of the judgment in favor of the Judgment Creditor, which is \$ _____; interest on that judgment and, if applicable, prejudgment interest at the rate of _____% per annum payable until that judgment is satisfied in full; and court costs in the amount of \$ _____).

This garnishment order of personal earnings is a **continuous** order that generally requires you to withhold a specified amount, as determined in the "Answer of Employer (Garnishee)", from the Judgment Debtor's personal earnings during each pay period of the Judgment Debtor following your receipt of the order until the judgment in favor of the Judgment Creditor and the associated court costs, interest, and, if applicable, prejudgment interest have been paid in full. You must pay the specified amount to the Clerk of Court within thirty (30) days after the end of each pay period of the Judgment Debtor and must include with that amount a completed photocopy of the enclosed, "INTERIM REPORT AND ANSWER OF GARNISHEE" form. This garnishment order will remain in effect until one of the following occurs:

- 1) The total probable amount due is paid in full as a result of your withholding the specified amount from the Judgment Debtor's personal earnings;
- 2) The Judgment Creditor files with this court a written notice that the total probable amount due has been satisfied;
- 3) A municipal or county court appoints a trustee for the Judgment Debtor and issues to you an order staying this garnishment;
- 4) A federal bankruptcy court issues to you an order staying this order of garnishment;
- 5) A municipal or county court or a common pleas court 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 common pleas court 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.

Under any of the circumstances listed above, you are required to file with this court a "FINAL REPORT AND ANSWER OF GARNISHEE", which is attached to this garnishment order. Under the circumstances listed in (5) and (6) above, you must cease processing this order of garnishment one hundred eighty-two (182) days after you began processing it.

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 R.C. 2716.041 and you should become familiar with them.

Witness my hand and seal of this court this _____ day of _____, 20_____. _____ JUDGE

SECTION B: ANSWER OF EMPLOYER (GARNISHEE)

(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 _____ day of _____, 20_____.

2. The Judgment Debtor is in my / our employee. YES NO
(If the answer is "No", give day 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? (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). YES NO
3(A) _____

3(B) Were you, on the date that you received this order of garnishment of personal earnings, withholding moneys from the Judgment Debtor personal 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) _____

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 are not described in question 3(B) and are you currently processing one or more of those orders of the statutorily required 182-day period or holding one or more of those orders for processing for a 182-day period in the sequence of their receipt by you? (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) YES NO

4(A) State whether the pay period of the Judgment Debtor is weekly, biweekly, semimonthly, or monthly (Do not enter a pay period of more than one month): 4(A) _____

4(B) Enter the disposable earnings of the Judgment Debtor earned during the Judgment Debtor's present pay period. ("Disposable earnings" means earnings after deductions required by law. "Present pay period" means the pay period in which you receive this order of garnishment of personal earnings). 4(B) \$ _____

4(C) If the Judgment Debtor's pay period is weekly, enter on line 4(C) an amount equal to six and one-quarter percent (6.25%) of the Judgment Debtor's disposable earnings set forth on line 4(B). If the Judgment Debtor's pay period is biweekly or semimonthly, enter on line 4(C) an amount equal to twelve and one-half percent (12.5%) of the Judgment Debtor's disposable earnings set forth on line 4(B). If the Judgment Debtor's pay period is monthly, enter on line 4(C) an amount equal to twenty-five percent (25%) of the Judgment Debtor's disposable earnings set forth on line 4(B). 4(C) _____

5(A) If the Judgment Debtor is paid weekly, enter thirty (30) times the current federal minimum hourly wage; if paid biweekly, enter sixty (60) times the current federal minimum hourly wage; if paid semimonthly, enter sixty-five (65) times the current federal minimum hourly wage; if paid monthly, enter one hundred thirty (130) times the current federal minimum hourly wage: 5(A) \$ _____

5(B) Enter the amount by which the amount on line 4(B) exceeds the amount on line 5(A): 5(B) \$ _____

6. Enter on line 6 the smallest of the amount entered on line 4(C); or the amount entered on line 5(B); or the total probable amount now due on the judgment, including interest costs, as indicated in Section A of this form. Pay the amount entered on line 6 to the MUNICIPAL COURT OF MONTGOMERY COUNTY when returning this form. 6 \$ _____

I CERTIFY THAT THE STATEMENTS ABOVE ARE TRUE, THAT ANY DEDUCTION FROM THE JUDGMENT DEBTOR'S PAY WILL BE THE RESULT OF A 182-DAY CONTINUOUS GARNISHMENT, AND THAT ALL REQUIRED DOCUMENTS HAVE BEEN DELIVERED TO THE JUDGMENT DEBTOR.

DATED: _____

SIGNED: _____

Print Name of Employer

Print Title and Name

Pursuant to R.C. 2716.05, I served the above garnishment order by leaving three copies thereof, together with the garnishee's fee, two copies of the Notice to Judgment Debtor and Hearing Request, with _____, an officer or managing or general agent of the Garnishee on _____ (date). No Service because _____.

Date of Return: _____

Sheriff/Bailiff/Process Server _____