

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

(O.R.C. 2716.11, 12, 13)

Revised 11/20/18

JUDGMENT CREDITOR
-vs-

SOCIAL SECURITY NUMBER JUDGMENT DEBTOR

THE MUNICIPAL COURT OF MONTGOMERY COUNTY
WESTERN DIVISION EASTERN DIVISION
CIVIL DEPARTMENT CIVIL DEPARTMENT
195 SOUTH CLAYTON ROAD 6111 TAYLORSVILLE RD
NEW LEBANON, OH 45345 HUBER HEIGHTS, OH 45424

Case No. _____
THE DEBT COLLECTOR IS ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

AFFIDAVIT IN SUPPORT OF MOTION FOR ORDER OF GARNISHMENT OF PROPERTY OTHER THAN PERSONAL EARNINGS¹

The undersigned, _____
the _____², being first duly sworn, states that:

- 1. The name of the Judgment Debtor whose property, other than personal earnings, the Judgment Creditor seeks to garnish is _____.
- 2. The Garnishee has property, other than personal earnings, of the Judgment Debtor that is not exempt under the laws of this State or the United States.
- 3. The property is described as follows:

- 4. The Judgment Creditor has obtained judgment against the Judgment Debtor which remains unsatisfied in the amount of \$ _____

Signed at _____, Ohio on _____, 20____^{3 4}
THE STATE OF OHIO COUNTY OF _____, SS _____

Sworn to before me and subscribed in my presence this _____ day of _____, 20____
Affiant's Signature

Notary Public- State of Ohio

¹To be used to commence a proceeding after judgment and after journalization of judgment, O.R.C. 2716.11.

²The Judgment Creditor, Creditor's attorney or agent, O.R.C. 2716.11.

³Must be accompanied by garnishment fee (O.R.C. 2716.12) and by Motion for Order, Order and Notice of Garnishment, Notice to the Judgment Debtor, Request for Hearing, and a praecipe instructing the Clerk to issue two copies of the Notice and Hearing Request to the Judgment Debtor, O.R.C. 2716.13(C)(1).

⁴Court must schedule a hearing within 12 days of the filing of this proceeding (O.R.C. 2716.13(A)).

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 the _____
court stating that you have money, property or credits, other than personal earnings, in your hands or under your control that belong to the Judgment Debtor in this case and that some of the money, property, or credits may not be exempt from execution or garnishment under the laws of the State of Ohio or the laws of the United States.

You are therefore ordered to complete section B of this form, return the completed original of this form, together with any amount shown due on it, to the _____ Court no later than _____, 20____.
Deliver one completed copy of this form to the indicated Judgment Debtor. Keep the other copy for your files.
The total probable amount now due on this judgment, including interest and court costs is \$ _____.

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

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

Judge

SECTION B. ANSWER OF GARNISHEE

(Answer All Pertinent Questions)

Now comes _____ the Garnishee who says:

- That Garnishee has money, property, or credits other than personal earnings of the indicated Judgment Debtor under Garnishee control and in Garnishee possession. Yes No
- Said property is described as:

- If the answer to line 1 is YES and the amount is less than the probable amount now due on the judgment, including interest and costs, 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.
- If the answer to line 1 is YES and the amount is greater than the probable amount now due, sign and return this form and pay the probable amount now due to the Clerk of this Court.
- 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 that by placing an "X" in this space: _____. Do not dispose of that money, property, or credits or give them to anyone else until further order of the Court.
- 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

Print Name and Title of Person Completing Form

Signature of Person Completing Form

Copy delivered to Judgment Debtor this _____ day of _____, 20 _____

- Three copies must be served on Garnishee. O.R.C. 2716.13(B). Garnishee returns one copy to the Clerk of Courts and one to the Judgment Debtor and one is retained by the Garnishee. Must be served not later than seven days prior to the scheduled hearing date. O.R.C. 2716.13(B).
- To be completed by Judgment Creditor.
- Must be accompanied by Motion for Order, Affidavit, Notice to the Judgment Debtor, and a praecipe instructing the Clerk to issue two copies of the Notice and Hearing Requests to the Judgment Debtor.
- Before the date set for the hearing as indicated on this notice. O.R.C. 2716.21(B) and O.R.C. 2716.13(B).
- To be completed by the Garnishee.

SECTION A SHALL BE FILLED IN BEFORE SERVICE. SECTION B SHALL BE FILLED IN BY THE GARNISHEE AND THE ORIGINAL FILED WITH THE COURT AS GARNISHEE'S ANSWER. THE GARNISHEE MAY KEEP ONE COMPLETED AND SIGNED COPY OF THE FORM AND SHALL DELIVER THE OTHER COMPLETED AND SIGNED COPY OF THE FORM TO THE JUDGMENT DEBTOR.

If several affidavits seeking orders of garnishment of property, other than personal earnings, are filed against the same judgment debtor in accordance with O.R.C. 2716.11, the court involved shall issue the requested orders in the same order in which the clerk received the associated affidavits.

TO: SHERIFF, CONSTABLE, AND BAILIFF

You are hereby directed to serve three copies of the Order of Garnishment of property, other than personal earnings, together with the Garnishee's fee as provided for in O.R.C. 2716.12 with a written notice that the Garnishee answer as provided in O.R.C. 2716.21 on the Garnishee named herein.

Clerk- Deputy Clerk

RETURN OF SERVICE

Received _____, 20 _____

On the _____ day of _____, 20 _____

I served this writ on the within named by

personal service

other (O.R.C. 2716.21) _____

FEES

Sheriff – Bailiff – Constable Signature

Returned and filed _____, 20 _____

Service and return _____

Mileage _____

I certify this to be a true copy of the original Order and Notice with all indorsements thereon.

Sheriff- Bailiff- Constable

By: _____

Deputy