

INSTRUCTIONS FOR FILING A WAGE GARNISHMENT

PLEASE READ AND FOLLOW THESE INSTRUCTIONS COMPLETELY:

PRIOR TO FILING THE WAGE GARNISHMENT WITH THE COURT, you must fill out the *“Notice of Court Proceedings to Collect Debt”* as well as complete the top portion of the *“Payment to Avoid Garnishment”* and mail both documents to the debtor. Please make copies of these forms for the Court. Please obtain proof of mailing from the Post Office. Proof of Mailing must accompany the Wage Garnishment forms should you need to file them.

If the debtor Does not pay the judgment after 15 days, you will process the garnishment as follows:

1. File a signed and notarized Affidavit with the Court stating the following:
 - a. Amount of Judgment
 - b. Interest
 - c. Court Costs
 - d. Amount Received on Judgment
 - e. Amount Now Due

2. Using the specified Portsmouth Municipal Court forms (filling out all appropriate information where space is provided including the address of the Employer (Garnishee), you must furnish the following to the court.
 - a. One (1) original and four (4) copies of the *Order and Notice of Garnishment – Section A*
 - b. Two (2) copies of *Answer of Employer (Garnishee) – Section B*
 - c. Two (2) copies of *Interim Report and Answer of Employer*
 - d. Two (2) copies of *Final Report and Answer of Employer*
 - e. One (1) copy of the *Notice to Judgment Debtor*
 - f. One (1) copy of *Payment to Avoid Garnishment*
 - g. One (1) copy of *Notice of Court Proceeding to Collect Debt*
 - h. One (1) copy of the receipt for **proof of mailing**
 - i. One (1) copy of the *Affidavit of Current Balance Due* (if judgment is more than 1 year old, and/or you have not filed an Affidavit of Current Balance due within 1 year of filing garnishment.
 - j. One (1) copy *Confidential Disclosure Attachment*

A \$105 filing fee is due at the time of filing.

No Social Security Numbers, or last 4 of SSN to be included on any pages other than the Confidential Disclosure Attachment

NOTICE TO JUDGMENT DEBTOR*

(Signed by Clerk of Court)

Judgment Creditor _
vs

Judgment Debtor _

Case No. _____

Court,
_____, Ohio.

PERSONAL EARNINGS

You are hereby notified that this court has issued an order in the above case in favor of _____

(Name and Address of Judgment Creditor)

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 _____
_____ 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 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 personal earnings 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.

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 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 office will send you notice of the date, time, and a place. You may indicate on 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

*Defendant - Two copies