

## **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***

**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 OF PERSONAL EARNINGS was received on \_\_\_\_\_
- 2. The Judgment Debtor is in my/our employ. YES \_\_\_\_ NO \_\_\_\_  
 [If answer is "NO" give date of last employment. Date \_\_\_\_\_]

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 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. (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)? 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.] 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 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? 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 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.**

DATED: \_\_\_\_\_ SIGNED: \_\_\_\_\_

\_\_\_\_\_  
Print Name of Employer

\_\_\_\_\_  
Print Name and Title

**INSTRUCTIONS TO SHERIFF:**

To the sheriff of \_\_\_\_\_ County greetings: you are commanded to serve upon the garnishee three (3) copies of the affidavit and order of garnishment of personal earnings and two (2) copies of this notice to the defendant of garnishment of wages attached thereto. Of these writs make legal service and return.

**SHERIFF'S RETURN:**

Pursuant to the within command, i served the within affidavit and order of garnishment of personal earnings upon the within named garnishee by leaving three (3) true and certified copies thereof, with all endorsements thereon, along the two (2) copies of the notice to the defendant of garnishment of wages attached thereto, at the office and usual place of business of said company.

Left with \_\_\_\_\_, an officer or managing or general agent of the garnishee

At \_\_\_\_\_ am/pm on \_\_\_\_\_, 20\_\_\_\_\_.

Date of return: \_\_\_\_\_ By: \_\_\_\_\_