

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

AFFIDAVIT AND ORDER OF GARNISHMENT OF PERSONAL EARNINGS

THE STATE OF OHIO
COUNTY OF SCIOTO, SS.

COURT

Docket No. Page

Plaintiff/Judgment Creditor

vs.

Case No.

Defendant/Judgment Debtor

AFFIDAVIT

The undersigned, first duly cautioned and sworn, or affirmed according to law, says that I am the judgment creditor or the attorney for the judgment creditor herein, and that said judgment creditor on ; duly recovered a judgment in The Court against said judgment debtor named above. The affiant has good reason to believe and does believe that is an employer of the judgment debtor who may be liable for money owing to said judgment debtor for personal earnings prior to the date hereof, nonexempt under R.C. 2329.66, that the written demand required by R.C. 2716.02 has been made,; and that the judgment debtor is not in the military service of the United States; and, that the payment demanded in the notice required by R.C. 2716.02 has not been made, nor has a sufficient portion been made to prevent the garnishment or personal earnings as described in R.C. 2716.02. and, that the affiant has no knowledge of any application by the judgment debtor for the appointment of a trustee and/or that the debt to which the affidavit pertains is the subject of a debt scheduling agreement of such a nature that it precludes the garnishment of the judgment debtor's personal earnings under R.C. 2716.03(B).

ATTORNEY FOR JUDGMENT CREDITOR

Signed: Sworn to and subscribed before me this day of , 20

Notary

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 and that some of that money may not be exempt from garnishment under the laws of the State of Ohio or the laws of 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. 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 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, prejudgment interest relative to that judgment at the rate of % per annum payable until that judgment is satisfied in full; and court costs in the amount of \$.)

This order of garnishment of personal earnings is a continuous order that generally requires you to withhold a specified amount, 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" substantially in the form set forth in section 2716.07 of the Ohio Revised Code. A copy of the "INTERIM REPORT AND ANSWER OF GARNISHEE" is attached to this order of garnishment of personal earnings, and you may 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 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 generally will remain in effect until one of the following occurs:

- (1) The total probable amount due on the judgment as described above is paid in full as a result of your withholding of the specified amount, calculated each pay period at the statutory percentage, from the judgment debtor's personal disposable earnings during each pay period of the judgment debtor that commenced with the first full pay period beginning after you received the order.
(2) The judgment creditor or the 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 to you an order that stays this order of garnishment of personal earnings.
(4) A federal bankruptcy court issues to you an order that stays this order of garnishment of personal earnings.
(5) A municipal or county court or a 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 or county court or a 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 that 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 section 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 falls. 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 section 2716.041 [2716.04.1] of the Ohio Revised Code. An employer guide to processing continuous orders of garnishment is included with this order of garnishment. You should become familiar with these rules.

Witness my hand and seal of this court this day of , 20 Judge