

STARK COUNTY COURT OF COMMON PLEAS AFFIDAVIT AND ORDER OF GARNISHMENT
OF PROPERTY OTHER THAN PERSONAL EARNINGS AND ANSWER OF GARNISHEE

STARK COUNTY COURT OF COMMON PLEAS
115 CENTRAL PLAZA N.
CANTON, OH 44702-1160

JUDGMENT CREDITOR

VS.

CASE NO. _____

(THIS NUMBER MUST BE ON ALL REFERENCES)

THIS COMMUNICATION IS FROM A DEBT COLLECTOR

JUDGMENT DEBTOR SS# (OPTIONAL) _____

STATE OF OHIO STARK COUNTY, ss:

THE UNDERSIGNED BEING FIRST DULY CAUTIONED AND SWORN, OR AFFIRMED, ACCORDING TO LAW, SAYS THAT I AM ATTORNEY/JUDGMENT CREDITOR HEREIN WHO HERETOFORE RECOVERED, OR CERTIFIED, A JUDGMENT IN THE COURT OF COMMON PLEAS AGAINST THE JUDGMENT DEBTOR NAMED ABOVE; THAT I HAVE GOOD REASON TO BELIEVE AND DO BELIEVE THAT THE GARNISHEE NAMED IN SECTION (A) BELOW HAS PROPERTY, OTHER THAN PERSONAL EARNINGS OWING BY HIM /HER TO SAID JUDGMENT DEBTOR THAT IS NOT EXEMPT UNDER THE LAWS OF THE STATE OF OHIO AND THE UNITED STATES, SUCH PROPERTY BEING DESCRIBED AS FOLLOWS: _____

SWORN TO AND SUBSCRIBED BEFORE ME ON

SIGNATURE OF JUDGMENT CREDITOR OR ATTORNEY

DATE

NOTARY PUBLIC

SECTION A: COURT ORDER AND NOTICE OF GARNISHMENT

TO GARNISHEE(S):

#1 _____ #2 _____

THE JUDGMENT CREDITOR IN THE ABOVE CASE HAS FILED AN AFFIDAVIT, SATISFACTORY TO THE UNDERSIGNED, IN THIS 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, AND THAT SOME OF THE MONEY, PROPERTY, OR CREDITS 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 GARNISHEE" IN SECTION B OF THIS FORM. RETURN THE COMPLETED AND SIGNED COPY OF THIS FORM TO THE CLERK OF THIS COURT TOGETHER WITH THE AMOUNT DETERMINED IN ACCORDANCE WITH THE "ANSWER OF GARNISHEE" BY THE FOLLOWING DATE ON WHICH A HEARING IS TENTATIVELY SCHEDULED RELATIVE TO THIS ORDER OF GARNISHMENT: _____. DELIVER ONE COMPLETED AND SIGNED COPY OF THIS FORM TO THE JUDGMENT DEBTOR PRIOR TO THAT DATE. 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 \$ _____. YOU ARE ORDERED TO HOLD SAFELY ANYTHING OF VALUE THAT BELONGS TO THE JUDGMENT DEBTOR AND HAS TO BE PAID TO THE COURT, AS DETERMINED UNDER THE "ANSWER OF GARNISHEE" IN SECTION (B) OF THIS FORM, BUT THAT IS OF SUCH NATURE THAT IT CANNOT BE SO DELIVERED, UNTIL FURTHER ORDER OF THE COURT.

WITNESS MY HAND AND SEAL OF THIS COURT THIS

DAY OF _____, _____

JUDGE OF THE STARK COUNTY COURT OF COMMON PLEAS

COMPLETE AND RETURN ONE SIGNED COPY OF THIS FORM TO THE STARK COUNTY COURT OF COMMON PLEAS, 115 CENTRAL PLAZA N. CANTON, OH 44702
IMMEDIATLY DELIVER ONE COMPLETED AND SIGNED COPY TO EACH JUDGEMENT DEBTOR.

SECTION B: ANSWER OF GARNISHEE

NOW COMES

THE GARNISHEE WHO SAYS:

1. THAT THE GARNISHEE HAS MONEY, PROPERTY, OR CREDITS, OTHER THAN PERSONAL EARNINGS, OF THE JUDGMENT DEBTOR UNDER THE GARNISHEE'S CONTROL AND IN THE GARNISHEE'S POSSESSION. YES _____ NO _____; IF YES GIVE AMOUNT \$ _____
2. THAT PROPERTY IS DESCRIBED AS: _____
3. IF THE ANSWER TO LINE 1 IS "YES" AND THE AMOUNT IS LESS THAN THE PROBABLE AMOUNT NOW DUE ON THE JUDGMENT, 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.
4. IF THE ANSWER TO LINE 1 IS "YES" AND THE AMOUNT IS GREATER THAN THAT PROBABLE AMOUNT NOW DUE ON THE JUDGMENT, 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.
5. 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 THE 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
6. 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 AND TITLE OF PERSON WHO COMPLETED FORM

DATE

SIGNATURE OF PERSON COMPLETING FORM

SHERIFF'S RETURN

I CERTIFY THIS TO BE A TRUE COPY OF THE ORIGINAL WITH ALL ENDORSEMENTS THEREON:

RECEIVED THIS WRIT ON THE _____ DAY OF _____, 1999.

I SERVED THIS GARNISHMENT ON THE WITHIN NAMED GARNISHEE (S) _____

BY: ☐ CETRIFIED MAIL ☐ ORDINARY MAIL ☐ RESIDENCE SERVICE ☐ PERSONAL SERVICE ☐ GARNISHEE NOT FOUND

BY: _____

ATTORNEY/JUDGMENT CREDITOR _____ ADDRESS _____ TELE _____

PHIL G. GIAVASIS, STARK COUNTY CLERK OF COURTS

NOTICE TO THE JUDGMENT DEBTOR OF GARNISHMENT OF PROPERTY OTHER THAN PERSONAL EARNINGS

JUDGMENT CREDITOR

VS.

STARK COUNTY COURT OF COMMON PLEAS
115 CENTRAL PLAZA N.
CANTON, OH 44702-1160

CASE NO. _____

(THIS NUMBER MUST BE ON ALL REFERENCES)

THIS COMMUNICATION IS FROM A DEBT COLLECTOR

JUDGMENT DEBTOR SS# (OPTIONAL) _____

YOU ARE HEREBY NOTIFIED THAT THIS COURT HAS ISSUED AN ORDER IN THE ABOVE CASE IN FAVOR OF THE ABOVE NAMED JUDGMENT CREDITOR IN THIS PROCEEDING, DIRECTING THAT SOME OF YOUR MONEY, PROPERTY, OR CREDITS OTHER THAN PERSONAL EARNINGS, NOW IN POSSESSION OF THE GARNISHEE NAMED BELOW, BE USED TO SATISFY YOUR DEBT TO THE JUDGMENT CREDITOR. THIS ORDER WAS ISSUED ON THE BASIS OF THE JUDGMENT CREDITOR'S JUDGMENT AGAINST YOU THAT WAS OBTAINED IN, OR CERTIFIED TO THE STARK COUNTY COURT OF COMMON PLEAS IN THE CASE NUMBER SHOWN ABOVE ON _____ UPON YOUR RECEIPT OF THIS NOTICE, YOU ARE PROHIBITED FROM REMOVING OR ATTEMPTING TO REMOVE THE MONEY, PROPERTY, OR CREDITS UNTIL EXPRESSLY PERMITTED BY THE COURT. ANY VIOLATION OF THIS PROHIBITION SUBJECTS YOU TO PUNISHMENT FOR CONTEMPT OF COURT.

NAME AND ADDRESS OF GARNISHEE(S):

#1 _____

#2 _____

THE LAW OF OHIO AND THE U.S. PROVIDES THAT CERTAIN BENEFIT PAYMENTS CANNOT BE TAKEN FROM YOU TO PAY A DEBT. TYPICAL AMONG THE BENEFITS THAT CANNOT BE ATTACHED OR EXECUTED UPON BY A CREDITOR ARE: (1) WORKER'S COMP BENEFITS; (2) UNEMPLOYMENT COMPENSATION BENEFITS; (3) CASH ASSISTANCE PAYMENTS UNDER THE OHIO WORKS FIRST PROGRAM; (4) DISABILITY ASSISTANCE ADMINISTERED BY THE OHIO DEPT OF HUMAN SERVICES; (5) SOCIAL SECURITY BENEFITS; (6) SUPPLEMENTAL SECURITY BENEFITS (SSI); (7) VETERAN'S BENEFITS; (8) BLACK LUNG BENEFITS; (9) CERTAIN PENSIONS. THERE MAY BE OTHER BENEFITS NOT INCLUDED IN THE ABOVE LIST THAT APPLY IN YOUR CASE.

IF YOU DISPUTE THE JUDGMENT CREDITOR'S RIGHT TO GARNISH YOUR PROPERTY AND BELIEVE THAT THE JUDGMENT CREDITOR SHOULD NOT BE GIVEN YOUR MONEY, PROPERTY, OR CREDITS OTHER THAN PERSONAL EARNINGS, NOW IN POSSESSION OF THE GARNISHEE 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 SECTION ON THIS FORM, 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 REASON FOR DISPUTING THE JUDGMENT CREDITOR'S RIGHT TO GARNISH YOUR PROPERTY 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.** IF YOU REQUEST A HEARING, THE HEARING WILL BE LIMITED TO A CONSIDERATION OF THE AMOUNT OF YOUR MONEY, PROPERTY, OR CREDITS OTHER THAN PERSONAL EARNINGS, IN THE POSSESSION OR CONTROL OF THE GARNISHEE, IF ANY, THAT CAN BE USED TO SATISFY ALL OR PART OF THE JUDGMENT YOU OWE THE JUDGMENT CREDITOR. YOU CAN REQUEST A HEARING BY DELIVERING YOUR REQUEST FOR HEARING ON THE ENCLOSED POSTCARD OR ON THE REQUEST FOR HEARING SECTION OF THIS FORM, NO LATER THAN THE END OF THE FIFTH BUSINESS DAY AFTER YOU RECEIVE THIS NOTICE. THE DATE SET FOR THE HEARING WILL DEPEND ON WHEN THE CLERK RECEIVES YOUR NOTICE. THE CLERK WILL NOTIFY YOU OF THE HEARING. **IF YOU DO NOT REQUEST A HEARING BY DELIVERING YOUR REQUEST FOR A HEARING NO LATER THAN THE END OF THE FIFTH BUSINESS DAY AFTER YOU RECEIVE THIS NOTICE, SOME OF YOUR MONEY, PROPERTY, OR CREDITS OTHER THAN 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, CALL YOUR LAWYER IMMEDIATELY. IF YOU NEED THE NAME OF A LAWYER, CONTACT THE STARK CNTY. BAR ASSOC. AT 453-0685 OR LEGAL AID AT 456-8361. **THE JUDGES OR THE CLERK CAN NOT GIVE LEGAL ADVICE OR ACT AS YOUR ATTORNEY.**

REQUEST FOR HEARING ON GARNISHMENT OF PROPERTY OTHER THAN PERSONAL EARNINGS

I DISPUTE THE JUDGMENT CREDITOR'S RIGHT TO GARNISH MY MONEY, PROPERTY, OR CREDITS OTHER THAN PERSONAL EARNINGS, IN THE ABOVE CASE AND REQUEST THAT A HEARING BE HELD IN THIS MATTER. I DISPUTE THE JUDGMENT CREDITOR'S RIGHT TO GARNISH MY PROPERTY FOR THE FOLLOWING REASONS (OPTIONAL):

I UNDERSTAND THAT NO OBJECTIONS TO THE JUDGMENT ITSELF WILL BE HEARD OR CONSIDERED AT THE HEARING.

I _____ feel that the need for the hearing is an emergency.
(Insert "Do" or "Do Not")

(NAME OF JUDGMENT DEBTOR)

CITY, STATE

(SIGNATURE)

TELEPHONE NUMBER

(DATE)

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, YOU WILL WAIVE YOUR RIGHT TO A HEARING AND SOME OF YOUR MONEY, PROPERTY, OR CREDITS, OTHER THAN PERSONAL EARNINGS NOW IN THE POSSESSION OF THE GARNISHEE WILL BE PAID TO THE JUDGMENT CREDITOR TO SATISFY SOME DEBT TO HIM.

ANSWER DATE OF GARNISHEE _____