

ATHENS COUNTY COMMON PLEAS COURT AFFIDAVIT & ORDER & NOTICE OF GARNISHMENT OF PERSONAL EARNINGS & ANSWER OF EMPLOYER ATHENS COUNTY COMMON PLEAS COURT, CIV DIV, 1 S COURT ST, 4<sup>TH</sup> FL, ATHENS, OH 45701

\_\_\_\_\_, Creditor

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

Case No. \_\_\_\_\_

**THIS COMMUNICATION IS FROM A DEBT COLLECTOR**

v

\_\_\_\_\_, Debtor

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

(SS# Optional) \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

State of Ohio, Athens County, SS: The undersigned being first duly cautioned, sworn or affirmed according to law, sats that I am attorney/judgment creditor who recovered or certified a judgment in this court against above named judgment debtor. The garnishee named below may be an employer of the judgment debtor and may have personal earnings owing to the judgment debtor. Written demand on judgment debtor, per 2716.02 ORC, has been made at least 15 and not more than 45 days before this date. Payment demanded in the written demand in the written demand has not been made, nor has a sufficient portion been made to prevent the garnishment of personal earnings described in such section. Affiant has no knowledge if the judgment debtor has applied for trusteeship or is the subject of a debt scheduling agreement, either of which precludes the garnishment of debtor's personal earnings.

\_\_\_\_\_  
Signature: Judgment Creditor/Attorney

Sworn to & subscribed before me on \_\_\_\_\_

\_\_\_\_\_  
Notary Public (Signature of Original Only)

**Garnishee Section A: Court Order And Notice of Garnishment**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The judgment creditor in this case has filed an affidavit, satisfactory with this court stating that you may owe the judgment debtor money for personal earnings.  
**You are ordered to file a completed and signed copy of the Answer of Employer (Garnishee), Section B page 2 of this form, with the clerk of this court within 5 Business days upon receipt of this garnishment order. Deliver a completed and Signed copy & accompanying document entitled Notice to the Judgment Debtor & Request for Hearing to the debtor. Keep a completed and signed copy for your Files.**

- 1. The unpaid portion of the judgment(original judgment amount less amounts received) is:\$ \_\_\_\_\_
- 2. Judgment interest at: % \_\_\_\_\_ per annum payable until judgment is satisfied
- 3. Judgment interest accrued to date: \$ \_\_\_\_\_
- 4. Court costs in the amount of: \$ \_\_\_\_\_
- 5. **Total Probable Amount Now Due on Judgment is (1+3+4)** \$ \_\_\_\_\_

This garnishment order of personal earnings is a continuous order requiring you to withhold a specified amount, calculated during each pay period at the statutory percentage, of the debtor's personal disposable earnings as determined in accordance with the Interim/Final Report & Answer of Garnishee, for the debtors personal, disposable earnings during each pay period beginning with the first full pay period after you receive the order, until the judgments, court costs, and all applicable interest has been paid in full. **You must pay that specified amount, calculated each pay period at the statutory percentage, to the clerk of this court within 30 days after the end of each pay period of the debtor. You must include with that specified amount an Interim/Final Report & Answer of Garnishee in the form set forth in 2716.07 ORC (form enclosed).** Use a new photocopy with each payment. You are permitted to deduct a processing fee (not part of the court costs) of up to \$3.00 from the debtor's personal, disposable earnings for any pay period of the debtor where an amount was withheld. You are not required to file with the court the Interim/Final Report and Answer of Garnishee for any pay period in which an amount from the debtor's personal, disposable earnings was not withheld. The garnishment of personal earnings with remain in effect until one of the following occur: (1) The total probable amount due on the judgment is paid in full due to your withholding of the specified amount. (2) The creditor/attorney files with this court a written notice that the total probable amount due on the judgment has been satisfied; or files a written request to terminate and release this garnishment order, releasing you for the mandate of this garnishment. (3) a municipal or county court appoints a trustee for the debtor and issues to you an order that stays this garnishment order. (4) A federal bankruptcy court issues to you an order that stays this garnishment order of personal earnings. (5) A municipal, county, or a common pleas court issues to you a garnishment order of personal earnings that relates to the debtor and a different creditor, and Ohio or federal law provides the order with a higher priority that this order. (6) A municipal county, or a common pleas court issues to you a garnishment order of personal earnings that relates to the debtor and a different creditor that does not have a higher priority that this order.

Under any circumstances listed, you are required to file with this court an Interim/Final Report & Answer of Garnishee per 2716.08 ORC. Under the circumstances listed in 5&6 above, you must cease processing this garnishment after the expiration of the full pay period within which the 182<sup>nd</sup> day after you began processing it falls. Special stacking, priority of payment, and manner of payment rules apply when a garnishee receives multiple garnishment orders with respect to the same debtor. Familiarize yourself with the rules are set forth in 2716.041 ORC.

Witness my hand and seal of this Court this \_\_\_\_\_ Day of \_\_\_\_\_, 20 \_\_\_\_\_

\_\_\_\_\_  
Judge Athens County Common Pleas Court

\_\_\_\_\_  
Judgment Creditor/Attorney

\_\_\_\_\_

ATHENS COUNTY COMMON PLEAS COURT AFFIDAVIT & ORDER & NOTICE OF GARNISHMENT OF PERSONAL EARNINGS & ANSWER OF EMPLOYER ATHENS COUNTY  
COMMON PLEAS COURT, CIV DIV, 1 S COURT ST, 4<sup>TH</sup> FL, ATHENS, OH 45701

\_\_\_\_\_  
Creditor

V

Case No. \_\_\_\_\_

**THIS COMMUNICATION IS FROM A DEBT COLLECTOR**

\_\_\_\_\_  
Debtor

**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. Complete and return a signed copy of this page to the above listed address.**

Now comes \_\_\_\_\_ the employer herein who says:

1. This garnishment order of personal earnings was received on \_\_\_\_\_
2. The judgment debtor is in my employ: Yes \_\_\_\_\_ No \_\_\_\_\_ (If "Yes" complete remainder of sections B and the interim/final report form)

**If the answer is "no" give date of last employment**

3. (A) Is the debt to which this garnishment order of personal earnings pertains the subject of an existing agreement for debt scheduling between the judgment debtor and a budget and debt counseling service, and has the judgment debtor made every payment that was due under the agreement for the debt scheduling no later than 45 days after the date on which the payment was due?

YES \_\_\_\_\_ NO \_\_\_\_\_

If the answer to both parts of this question is "YES", give all available details fo the agreement, sign this form, and return it to the court.

\_\_\_\_\_  
**(B) Were you, on the date that you received this garnishment order of personal earnings, withholding moneys from the judgment debtor's personal disposable earnings pursuant to another garnishment order of personal earnings that Ohio or federal law provide with a higher priority than this garnishment order 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.

\_\_\_\_\_  
**(C) Did you receive prior to the date that you received this garnishment order of personal earnings one or more other garnishment orders of personal earnings that are not described in question 3(B) and you are currently processing one or more of those orders of the statutorily required time period, or holding one or more of those orders for processing for a statutorily period in this sequence of their receipt by you?**

YES \_\_\_\_\_ NO \_\_\_\_\_

If the answer to this question is "YES", give the name of the court that issues 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.

\_\_\_\_\_  
**PRINT NAME AND TITLE OF PERSON WHO COMPLETED FORM**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**SIGNATURE OF PERSON COMPLETING FORM**

I CERTIFY THAT THE STATEMENTS ABOVE ARE TRUE, AND THAT A COMPLETED AND SIGNED COPY OF THIS FORM, ALONG WITH TWO COPIES OF THE NOTICE TO THE JUDGMENT DEBTOR FORM, AND A REQUEST FOR THE HEARING FORM, HAVE BEEN DELIVERED TO THE JUDGMENT DEBTOR. EACH DEDUCTION FROM THE EMPLOYEE'S PAY WILL BE THE RESULT OF A CONTINUOUS GARNISHMENT.

ATHENS COUNTY COMMON PLEAS COURT AFFIDAVIT & ORDER OF GARNISHMENT OF PROPERTY OTHER THAN PERSONAL EARNINGS & ANSWER OF GARNISHEE  
ATHENS COUNTY COMMON PLEAS COURT, CIV DIV., 1 S COURT STREET, 4TH FLOOR, ATHENS, OH 45701

\_\_\_\_\_ CREDITOR

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

V

Case No. \_\_\_\_\_

**NON WAGE**

**THIS COMMUNICATION IS FROM A DEBT COLLECTOR**

\_\_\_\_\_ DEBTOR

\_\_\_\_\_

\_\_\_\_\_

**State of Ohio Athens County**, ss: The undersigned, cautioned and sworn or affirmed according to law, says that I am attorney/creditor who heretofore recovered or certified a judgment in this court against the above named debtor. The garnishee is named in Section A may have property, other than personal earnings, of the judgment debtor, such property being described as: \_\_\_\_\_

\_\_\_\_\_  
Signature: Judgment Creditor/Attorney

Sworn to & subscribed before me on \_\_\_\_\_

\_\_\_\_\_  
Notary Public (Signature on original only)

**TO GARNISHEE(S):**

**SECTION A: COURT ORDER AND NOTICE OF GARNISHMENT**

#1 \_\_\_\_\_

#2 \_\_\_\_\_

The judgment creditor in the above case has filed an affidavit satisfactory to this court stating that you may have money, property or credits other than personal earnings in your hands or under your control, that belong to the judgment debtor. **You are therefore ordered to complete the Answer of Garnishee in Section B of this form. Return a completed and signed copy of this form to the clerk of this court, together with teha mount determined in accordance with the answer of garnishee, by the answer date shown below.** Deliver one completed and signed copy of this form to the judgment debtor prior to that date and keep a completed and signed copy for your files.

1. The unpaid portion of the judgment (original judgment amount less amounts received) is \$ \_\_\_\_\_
2. Judgment interest at: \_\_\_\_\_ %per annum payable until judgment is satisfied
3. Judgment interest accrued to date: \$ \_\_\_\_\_
4. Court Costs in the amount of: \$ \_\_\_\_\_
5. **Total Probable Amount Now Due on Judgment is (1+3+4)** \$ \_\_\_\_\_

You are ordered to safely hold anything of value that belongs to the debtor and has to be paid to the court as determined under **Answer of Garnishee in 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 & seal of this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Judge – Athens County Court of Common Pleas

**SECTION B: ANSWER OF GARNISHEE**

**Complete & return signed copy of this form to the Athens County Common Pleas Court, 1 S Court St, 4th Fl, Athens, OH 45701, and to each judgment debtor**

Now comes \_\_\_\_\_ the garnishee who says:

1. The garnishee has more than \$550.00 in 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 over \$550.00 \$ \_\_\_\_\_
2. Description of property: \_\_\_\_\_
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 the probable amount now due on the judgment, as indicated in Section A of this form, sign and return this form and pay that probable amount now due to the clerk of this court.
5. If the answer to line 1 is yes but the money, property, or credits are 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 this 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

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF PERSON COMPLETING FORM

Judgment Creditor/Attorney: \_\_\_\_\_

Address: \_\_\_\_\_

COURT OF COMMON PLEAS  
ATHENS COUNTY, OHIO

\_\_\_\_\_

:

SERVE [ ]  
DO NOT SERVE [ ]

PLAINTIFF(S)

:

-vs-

:

No. \_\_\_\_\_

:

ENTRY ORDERING GARNISHEE  
TO PAY MONEY INTO COURT

DEFENDANT(S)

:

IT APPEARING TO THE COURT THAT THE JUDGMENT DEBTOR HEREIN HAS BEEN SERVED WITH NOTICE ACCORDING TO LAW BEFORE THE HEARING OF THESE PROCEEDINGS, AND IT APPEARING FURTHER THAT THE GARNISHEE,

\_\_\_\_\_

IS LIABLE TO THE JUDGMENT DEBTOR IN THE SUM OF \$ \_\_\_\_\_

ALL OF WHICH IS DUE AND PAYABLE (OR WILL BE DUE) ON THE \_\_\_\_\_

DAY OF \_\_\_\_\_, 20\_\_\_\_\_. THE SAID GARNISHEE, \_\_\_\_\_

\_\_\_\_\_, OF (ADDRESS) \_\_\_\_\_

\_\_\_\_\_, IS ORDERED TO PAY THE SUM INTO THE COURT, TO BE APPLIED FIRST TO THE COSTS OF SAID PROCEEDINGS AND CASE, AND THE BALANCE TO BE APPLIED ON SAID JUDGMENT.

\_\_\_\_\_  
ATTORNEY NAME

\_\_\_\_\_  
JUDGE

\_\_\_\_\_  
ATTORNEY ADDRESS

\_\_\_\_\_  
SUPREME COURT NUMBER