

INSTRUCTIONS FOR GARNISHMENT OF WAGES

REQUIREMENTS FOR FILING

- Judgment must be obtained and journalized in the Berea Municipal Court.
- In the collection process you the Plaintiff now become the Judgment Creditor and the defendant becomes the Judgment Debtor.
- The Plaintiff/Judgment Creditor must first issue the Notice of Court Proceedings to Collect Debt & Payment to Avoid Garnishment. Completely fill in the required information and mail to the Defendant/Judgment Debtor at their last known address by certificate of mailing (available at the U.S. Post Office).
- After issuing the Notice to Collect there is a 14 day waiting period. On the 15th day, if you have not received correspondence from the defendant via mail, telephone or in person, etc., in reference to complying with the Payment to Avoid Garnishment, you may file the Garnishment forms with the Court to begin garnishing wages.
- You **MUST** have the *original* certificate of mailing and a *copy* of the notice to collect when filing the garnishment forms. The certificate of mailing date stamp must be no earlier than 15 days, no later than 45 days of the date you are filing the garnishment with the court. After 45 days the certificate of mailing expires.
- You are required to supply the Court with the original and 3 double-sided copies of the specified forms (Section A, Section B, Notice to Judgment Debtor, Request for Hearing, Interim report and Final Report). If copies of these forms are not supplied you will be charged accordingly per copy.
- Garnishment forms should be typed. If you do not have access to a typewriter or cannot scan forms on your computer, the Court will permit you to neatly **PRINT** in **BLUE INK**. Forms completed in colored ink or pencil will not be accepted for filing.
- *The filing fees for Garnishment of Wages are as follows:* If the Judgment Amount is \$3,000.00 and **UNDER** the filing fee is \$60.00. If the Judgment Amount is **OVER** \$3,000.00 the filing fee is \$95.00.

HOW TO FILL OUT GARNISHMENT FORMS

- On Section "A", #4 you should have the I.D./Social Security Number for the Defendant/Judgment Debtor, most employers cannot process the Garnishment Order without this identification. The Court is not required to and not permitted to supply you with Social Security Numbers of Defendants.
- On all other forms: (Section B, Notice to the Judgment Debtor, Request for Hearing, Interim Report and Final Report) you are only required to complete and fill in the Case Number, Judgment Creditor and Judgment Debtor name.
- There are 3 additional forms to the Garnishment packet – 2 Affidavits of Current Balance Due on the Garnishment Order and 1 Request for Hearing on Current Balance Due. **These forms must be filed 1 year to the date of filing the original garnishment order with the Court.** These forms are filed only if your garnishment order is still active.
- If you want a signed, sealed and time stamped copy of the filing please supply the court with a self addressed stamped envelope.
- Lastly, the Clerk's office does not follow up on filings. It is your responsibility to complete, file and follow up on all forms in a timely matter.
- If you have been paid successfully through a garnishment order, it is your responsibility as the Plaintiff/Judgment Creditor to Satisfy the Judgment and Release the Garnishment Order.

ORDER AND NOTICE OF GARNISHMENT AND ANSWER OF EMPLOYER-SECTION

BEREA MUNICIPAL COURT
RAYMOND J. WOHL, CLERK OF COURTS
11 BEREA COMMONS
BEREA, OHIO 44017
PHONE: (440) 826-5860

A

Clerk's Filed Date Stamp

CASE NO. _____

The State of Ohio _____ vs. _____
Judgment Creditor Judgment Debtor

County of Cuyahoga SS. _____
I.D. for Judgement Debtor

Judgment Creditor or Attorney for Judgment Creditor:

Name: _____
Address: _____
City, State & Zip Code: _____
Telephone: _____

Before me, the undersigned **Notary Public** or Deputy Clerk of the Berea Municipal Court, personally appeared _____ who being first duty sworn according to law, says that he is the JUDGMENT CREDITOR or ATTORNEY for JUDGMENT CREDITOR herein and said Judgment Creditor heretofore, to-wit, on the _____ (date) duly recovered judgment before the Berea Municipal Court against said Judgment Debtor which remains unsatisfied.

AMOUNT OF JUDGMENT \$ _____
Including INTEREST TO DATE (interest rate= _____ %) + \$ _____
Plus UNPAID COURT COSTS TO DATE including the cost of this proceeding + \$ _____
Minus AMOUNT RECEIVED on Judgment - \$ _____
AMOUNT NOW DUE = \$ _____

The affiant has good reason to believe and does believe that the Garnishee named in Section A of this form is an employer of the Judgment Debtor who has personal earnings of the Judgment Debtor that are not exempt under section 2329.66 of the Ohio Revised Code. And that a true copy of the Demand required by Sec. 2716.02 O.R.C. had been made and a true copy of said Demand which was made is attached hereto; the payment demanded in said Demand has not been made, nor has a sufficient portion been made to prevent the garnishment of personal earnings as described in section 2716.02 of the Ohio Revised Code. The affiant has no knowledge of any application by the Judgment Debtor for the appointment of a trustee so as to preclude the garnishment of the Judgment Debtor's personal earnings and has no knowledge that the debt to which this affidavit pertains is the subject of a debt scheduling agreement of such a nature that it precludes the garnishment of the personal earnings of the Judgment Debtor under section 2716.03(B) of the Ohio Revised Code.

Sworn to and subscribed before me _____ (date) _____ Affiant's Signature

Notary Public or Deputy Clerk

SECTION A: COURT ORDER AND NOTICE OF GARNISHMENT TO: GARNISHEE (employer)

Employer Name _____
Address: _____
City, State & Zip Code _____

The Judgment Creditor in the above case has filed an affidavit, satisfactory to the undersigned, in this court stating that you may owe the Judgment Debtor money for personal earnings.

You are therefore ordered to complete the "ANSWER OF EMPLOYER (GARNISHEE)" in Section B of the attached 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 Section B 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 original and two copies to be filed with the Court. Original for the Court - 2 copies mailed to Employer.

The total probable amount now due on this judgment is \$_____. At the total probable amount now due includes the unpaid portion of the judgment in favor of the Judgment Creditor, which is \$_____; interest on the 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 the 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, calculated each pay period at the statutory percentage, of the Judgment Debtor's personal disposable earnings during each pay period, as determined in accordance with the "**INTERIM REPORT AND ANSWER OF GARNISHEE**" for 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 cost, 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 at

BEREA MUNICIPAL COURT 11 Berea Commons Berea, Oh 44017

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 (\$3.00) from the Judgment Debtors 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 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 this "**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 of the Ohio revised code. An **EMPLOYER GUIDE TO PROCESSING CONTINUOUS ORDER OR GARNISHMENT** is included with this Order of Garnishment. You should become familiar with these rules.

Witness my hand and the seal of this court on this date of _____.

JUDGE MARK A COMSTOCK, BEREA MUNICIPAL COURT

**ORDER AND NOTICE OF GARNISHMENT
AND ANSWER OF EMPLOYER – SECTION**

**BEREA MUNICIPAL COURT
RAYMOND J. WOHL, CLERK OF COURTS
11 BEREA COMMONS
BEREA, OHIO 44017
PHONE: (440) 826-5860**

B

Clerk's Filed Date Stamp

CASE NO. _____

Judgment Creditor vs. Judgment Debtor

Identification for Judgment Debtor

SECTION B: ANSWER OF EMPLOYER (GARNISHEE).

(An employer is one who is required to withhold payroll taxes out of payments of personal earnings made to the Judgment Debtor)

GARNISHEE: Answer all pertinent questions.

Now comes _____, the employer (garnishee) herein, who says:

1. This Order of Garnishment of Personal Earnings was received on:..... 1

2. The Judgment Debtor is in my employe..... 2. Yes _____ NO _____
If answer is NO, please give date of last employment _____. If never employed, check here _____.

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 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? 3(A). Yes _____ NO _____

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.

Details of Agreement: _____

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 support order or Internal Revenue Service levy)?..... 3(B). 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.

Name of Court _____

Associated Case Number _____

Date Received _____ Balance Due _____

3 (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? 3(C). Yes _____ No _____.

If the answer to this question is "YES", give the name of the court that issued 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. (Attach additional paper if needed).

Name of Court _____
Associated Case Number _____
Date Received _____ Balance Due _____

I certify that the statements above are true.

(PRINT the name of EMPLOYER)

Signed: _____
(Signature of Person Completing Form)

(PRINT Name and Title of Person Completing Form)

Date: _____
(Date this form was completed)

(area code) (phone number)

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.

NOTICE OF COURT PROCEEDINGS TO COLLECT DEBT

To: _____
(Name of Judgment Debtor)

Date of Mailing: _____
(or date of service by the court)

(Last known residence address of the Judgment Debtor)

CASE NO. _____

City State Zip Code

BEREA MUNICIPAL COURT

You owe the undersigned _____ \$ _____
(Name of Judgment Creditor) (Amount)
including interest and court costs, for which a judgment was obtained against you or certified in the Berea Municipal Court on _____, payment of which is hereby demanded.
(Judgment Entry Date)

If you do not do one of the three things listed below within **fifteen days** of the date of the mailing of this notice or of its service by the court, we will go to court, unless we are otherwise precluded by law from doing so, and ask that your employer be ordered to withhold money from your earnings until the judgment is paid in full or, if applicable, is paid to a certain extent and to pay the withheld money to the court in satisfaction of your debt. This is called garnishment of personal earnings.

It is to your advantage to avoid garnishment of personal earnings because the placing of the extra burden on your employer possibly could cause you to lose your job.

YOU CAN AVOID THE GARNISHMENT BY DOING ONE OF THESE THREE THINGS WITHIN THE FIFTEEN DAY PERIOD:

- (1). Pay to us the amount due;
- (2). Have your employer complete the attached form entitled "Payment to Avoid Garnishment" and return it to us with the payment, if any, shown due on it; or
- (3) Apply to your local municipal or county court or, if you are not a resident of Ohio, to the municipal or county court in whose jurisdiction your place of employment is located, for the appointment of a trustee to receive the part of your earnings that is not exempt from garnishment and notify us that you have applied for the appointment of a trustee. You will be required to list your creditors, the amounts of their claims and the amounts due on their claims and the amount you then will pay to your trustee each payday will be divided among them until the debts are paid off. **This can be to your advantage because in the meantime, none of those creditors can garnish your wages.**

You also may contact a budget and debt counseling service described in division (D) of section 2716.03 of the Ohio Revised Code for the purpose of entering into an agreement for debt scheduling. There may not be enough time to set up an agreement for debt scheduling in order to avoid a garnishment of your wages based upon this demand for payment, but entering into an agreement for debt scheduling might protect you from future garnishments of your wages. Under an agreement for debt scheduling, you will have to regularly pay a portion of your income to the service until the debts subject to the agreement are paid off. This portion of your income will be paid by the service to your creditors who are owed debts subject to the agreement. **This can be to your advantage because these creditors cannot garnish your wages while you make your payments to the service on time.**

Name of Judgment Creditor (please print)

X _____
SIGNATURE of Judgment Creditor or ATTORNEY

Address of Judgment Creditor or ATTORNEY

City State Zip Code

Judgment Creditor is required to serve Judgment Debtor with this notice prior to filing a garnishment. Judgment Debtor has 15 days to respond to the Statutory Demand and submit payment in order to avoid garnishment of his/her personal earnings. The Court will not accept any garnishment filing without proof of mailing the Statutory Demand.

PAYMENT TO AVOID GARNISHMENT

To: _____
(Name of Judgment Creditor)

Date of Mailing: _____

(Address of Judgment Creditor)

CASE NO. _____

City State Zip Code

BEREA MUNICIPAL COURT

To avoid garnishment of PERSONAL EARNINGS of which you have given me notice I enclose \$ _____
to apply toward my indebtedness to you. The amount of the payment was computed as follows:

1. Total amount of indebtedness demanded..... 1. \$ _____
2. Enter the amount of your personal earnings after deductions required by law earned by you during the current pay period (that is, the pay period in which this demand is received by you)..... 2. \$ _____
- 3(A). Enter your pay period (weekly, bi-weekly, semi-monthly, monthly):..... 3(A). _____
- 3(B). Enter the date when your present pay period ends:..... 3(B). _____
4. Enter an amount equal to 25% of the amount on line (2):..... 4. \$ _____
- 5(A). The current federal minimum hourly wage is \$ _____ (to be filled in by Judgment Creditor).
(You should use the above figure to complete this portion of the form). If you are paid weekly, enter thirty (30) times the current federal minimum hourly wage; if paid bi-weekly enter sixty (60) times the current federal minimum hourly wage; if paid semimonthly, enter sixty-five (65) times the current federal minimum hourly wage; if paid monthly, enter one hundred thirty (130) times the current federal minimum hourly wage..... 5(A). \$ _____
- 5(B). Enter the amount by which the amount online (2) exceeds the amount on line 5(A)..... 5 (B). \$ _____
6. Enter the smallest of the amounts on lines 1, 4 or 5(B). Send this amount to the Judgment Creditor along with this form after you have signed it..... 6. \$ _____

I CERTIFY THAT THE STATEMENTS CONTAINED ABOVE
ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF: X _____

(Signature of Judgment Debtor)

(Print name and RESIDENCE address of Judgment Debtor)

City State Zip Code

(To verify that the amount shown on line (2) is a true statement of your earnings, you must either have your employer certify below that the amount shown on line (2) is a true statement of your earnings or you may submit copies of your pay stubs for the two pay periods immediately prior to your receiving this notice.)

I CERTIFY THAT THE AMOUNT SHOWN ON LINE (2) IS A TRUE STATEMENT OF THE JUDGMENT DEBTOR'S EARNINGS:

(Name of person Certifying this document)

(Print Name of Employee)

(TITLE of person Certifying this document)

(Address of Employer or Agent)

City State Zip Code (area code)(phone number)

X _____
(Signature of Employer or Agent)

I CERTIFY THAT I HAVE ATTACHED COPIES OF MY PAY STUBS FOR THE TWO PAY PERIODS IMMEDIATELY PRIOR TO MY RECEIVING THIS NOTICE.

X _____
(Signature of Judgment Debtor)

NOTICE TO JUDGMENT DEBTOR PERSONAL EARNINGS

CASE NUMBER: _____

BEREA MUNICIPAL COURT
RAYMOND J. WOHL, CLERK OF COURTS
11 BEREA COMMONS
BEREA, OHIO 44017
(440) 826-5860

Judgment Creditor

VS

Judgment Debtor

You are hereby notified that this court has issued an order in the above case in favor of 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 the **Berea Municipal Court** on the **judgment entry date with the above case number**.

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 document entitled "**ORDER AND NOTICE OF GARNISHMENT AND ANSWER OF EMPLOYER " (Section B)**" that is enclosed with this notice shows 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 other reason, you must request a hearing before this court **by disputing the claim in the Request for Hearing form accompanying this notice** or in a substantially similar form, and delivering the request for hearing to this court at the above address, **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 will send you notice of the **date, time and place**. You may indicate in the form that you feel 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 possible 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**.

Deputy Clerk of Court

Date

REQUEST FOR HEARING PERSONAL EARNINGS

BEREA MUNICIPAL COURT
RAYMOND J. WOHL, CLERK OF COURTS
11 BEREAS COMMONS
BEREA, OHIO 44017
PHONE: (440) 826-5860

Clerk's Filed Date Stamp

CASE NO. _____

Judgment Creditor

vs.

Judgment Debtor

I **dispute** the Judgment Creditor's right to garnish my personal earnings in the above case and request a hearing in this matter be held no later than twelve days after delivery of this request to the court.

I **do/do not** (circle one) feel that the need for the hearing is an emergency.

I dispute the Judgment Creditor's right to garnish my personal earnings for the following reasons:

Optional: _____

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

(Print Name of Judgment Debtor)

(Address & Street)

(Signature of Judgment Debtor)

(City, State & Zip Code)

(Date)

(Area Code)

(Phone Number)

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 WAIVE YOUR RIGHT TO A HEARING AND SOME OF YOUR PERSONAL EARNINGS WILL BE PAID TO THE JUDGMENT CREDITOR IN SATISFACTION OF YOUR DEBT TO THE JUDGMENT CREDITOR.

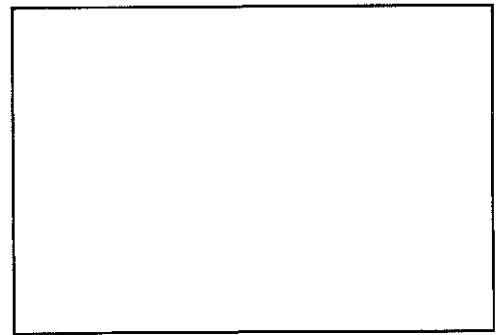
Garnishee/Employer must deliver two copies of the Request for Hearing/Personal Earnings form to Judgment Debtor/Employer upon receipt.

Request for Hearing on Personal Earnings (O.R.C. 2716.06)

INTERIM REPORT AND ANSWER OF GARNISHEE

CASE NO. _____

BEREA MUNICIPAL COURT
RAYMOND J. WOHL, CLERK OF COURTS
11 BEREA COMMONS
BEREA, OHIO 44017
PHONE: (440) 826-5860



Clerk's Filed Date Stamp

Judgment Creditor

VS. _____
Judgment Debtor

Attorney/Judgment Creditor

Atty. I. D. No.

Address

City State Zip Code Phone NO.

The garnishee, _____ in the above case states as follows:

1. The date that the garnishee received the Order of Garnishment of the Judgment Debtor's personal earnings was _____.

2. The total probable amount due on the judgment, including court costs, judgment interest and, if applicable, prejudgment interest, as stated in either section A of the Order of Garnishment of the Judgment Debtor's Personal Earnings or in the Affidavit of Current Balance Due on Garnishment Order if that affidavit has been received subsequent to the order of garnishment is \$ _____.

3. The pay period of the Judgment Debtor is (enter weekly, biweekly, semimonthly, or monthly. Do not enter a pay period of more than one month.) _____.

4. The disposable earnings of the Judgment Debtor earned during the Judgment Debtor's present pay period is ("Disposable Earnings" means earnings after deductions required by law. "Present pay period" means the pay period for which you are completing this Interim Report and Answer of Garnishee.)

5. The amount equal to twenty-five percent (25%) of the Judgment Debtor's disposable earnings set forth in Section 4 of this form is \$ _____.

6. _____ times the current federal minimum hourly wage is (if the Judgment Debtor is paid weekly, enter thirty (30) above, if paid biweekly, enter sixty (60), if paid semimonthly, enter sixty-five (65), if paid monthly, enter one hundred thirty (130), then calculate the amount.) \$ _____.

7. The amount by which the amount in section 4 of this form exceeds the amount in section 6 of this form is \$ _____.

8. The smallest of either the amount entered in section 5 of this form, the amount entered in section 7 of this form or the amount entered in section 2 of this form is \$ _____.

9. The amount entered in section 8 of this form, plus or minus (as appropriate) the garnishee's processing fee is \$ _____. (If the amount entered in section 8 of this form equals the amount entered in section 2 of this form, then add up to three dollars (\$3.00); otherwise subtract up to three dollars (\$3.00)).

10. Other deductions \$ _____.

11. The calculated amount that has been withheld from the Judgment Debtor's personal earnings during the Judgment Debtor's present pay period and that is submitted with this "INTERIM REPORT AND ANSWER OF GARNISHEE" is \$ _____.

I certify that the statements above are true.

(PRINT Name of Employer)

Signed _____
(Signature of Person Completing Form)

(PRINT Name of Person Who Completed This Form)

Dated _____
(Date This Form Was Completed)

(PRINT Title of Person Who Completed This Form)

Telephone No. _____

PLEASE NOTE: YOU MUST MAKE MULTIPLE COPIES OF THIS FORM, AS A NEWLY COMPLETED COPY OF THIS FORM MUST BE SENT WITH EACH PAYMENT. 1 copy to Court with each payment submitted - 1 copy to Judgment Debtor/Employee - 1 copy for Garnishee/Employer file.

garnishment form interim report revised 08/2000 (O.R.C. 2716.07)

FINAL REPORT AND ANSWER OF GARNISHEE

CASE NO. _____

Clerk's Filed Date Stamp

BEREA MUNICIPAL COURT
RAYMOND J. WOHL, CLERK OF COURTS
11 BEREA COMMONS
BEREA, OHIO 44017
PHONE: (440) 826-5860

_____ vs. _____
Judgment Creditor **Judgment Debtor**

The garnishee, _____ in the above case states as follows:

1. The date that the garnishee received the order of garnishment of the Judgment Debtor's personal earnings was _____.

2. The total probable amount on the judgment, including court costs, judgment interest, and, if applicable, prejudgment interest, as stated in Section A of the order of garnishment of the Judgment Debtor's personal earnings, is \$ _____.

3. The total amount that has been withheld from the Judgment Debtor's personal earnings and paid to the court while the order of garnishment of the Judgment Debtor's personal earnings remained in effect is \$ _____.

4. (When applicable) the total probable amount due on the judgment (as stated in 2 above) is not equal to the total amount that has been withheld (as stated in 3 above), and the reason for that difference is that the Order of Garnishment of the Judgment Debtor's personal earnings ceased to be in effect for the following statutorily prescribed reason(s) (check whichever apply):

(a) _____ A Municipal or County Court appointed a **Trustee** for the Judgment Debtor and issued an order that stays the Order of Garnishment of the Judgment Debtor's personal earnings.

(b) _____ A **Federal Bankruptcy** Court issued an order that stays the Order of Garnishment of the Judgment Debtor's personal earnings.

(c) _____ A Municipal or County Court or a Court of Common Pleas issued another Order of Personal Earnings that relates to the Judgment Debtor and a different Judgment Creditor, and Ohio or Federal Law provides the other order a **higher priority**. (Set forth the name of the court that issued the higher priority order, the associated case number, the date that the higher priority order was received and the balance due to the relevant Judgment Creditor under that order):

Court _____
(Name of Court that issued higher priority order)

Case Number _____
(Associated Case Number)

Date Received _____
(Date that higher priority order was received)

Balance Due \$ _____
(Balance Due to the Judgment Creditor under that Order).

(d) _____ A Municipal or County Court or a Court of Common Pleas issued another Order of Garnishment of Personal Earnings that relates to the Judgment Debtor and a different Judgment Creditor and that is not described in 4(c) above. (Set forth the name of the court that issued the subsequently received order, the associated case number, the date that the subsequent order was received and the balance due to the relevant judgment creditor under that order).

Court _____ **Case Number** _____
(Name of Court that issued subsequently received order) (Associated Case Number)

Date Received _____ **Balance Due \$** _____
(Date that subsequent order was received) (Balance Due to the Judgment Creditor under that Order).

(e) _____ The Judgment Creditor or Judgment Creditor's Attorney has issued a request that the Order of Garnishment be terminated and the garnishee released from the mandates of the order of garnishment.

(f) _____ Judgment Debtor's employment terminated on _____
(date)

(g) _____ Other: _____

I certify that the statements above are true.

(PRINT Name of Employer)

Signed _____
(Signature of Person Completing Form)
(Employer or Employer's Agent)

(PRINT Name of Person Who Completed This Form)

Dated _____
(Date This Form Was Completed)

(PRINT Title of Person Who Completed This Form)

Telephone No. _____

Note: After completing this "FINAL REPORT AND ANSWER OF GARNISHEE", you must send one copy to the Clerk of Berea Municipal Court at the address printed on this form by regular U. S. Mail. Give one copy to the employee. Retain one copy for your records.

Berea Municipal Court
11 Berea Commons ♦ Berea, Ohio 44017
(440) 826-5860

Mark A. Comstock, Judge

Raymond J. Wohl, Clerk of Courts

State of Ohio, }
County of Cuyahoga } **ss.**

Case No. _____

Judgment Creditor

vs.

AFFIDAVIT

Judgment Debtor

Before me, the undersigned Notary Public or Deputy Clerk of the Berea Municipal Court, personally appeared: _____ who being first duly sworn according to law, says that he/she is the **JUDGMENT CREDITOR** or **ATTORNEY FOR JUDGMENT CREDITOR** herein and that said Judgment Creditor heretofore, to-wit, on the (judgment entry date) _____ duly recovered judgment before the Berea Municipal Court against said Judgment Debtor which remains unsatisfied.

The total probable amount now due on this judgment is: \$ _____.

The affiant has good reason to believe and does believe that the garnishee named in Section A of the "Order and Notice of Garnishment and Answer of Employer" is an employer of the Judgment Debtor who has personal earnings of the Judgment Debtor that are not exempt under 2329.66 of the Ohio Revised Code. And, that a true copy of the Statutory Demand required by Section 2716.02 of the Ohio Revised Code has been made and a true copy of said Statutory Demand which was made is attached hereto; the payment demanded in said Statutory Demand had not been made, nor has a sufficient portion been made to prevent the garnishment of personal earnings as described in Section 2715.02 of the Ohio Revised Code. The affiant has no knowledge of any application by the Judgment Debtor for the appointment of a trustee so as to preclude the garnishment of the Judgment Debtor's personal earnings and has no knowledge that the debt to which this affidavit pertains is the subject of a debt scheduling agreement of such a nature that it precludes the garnishment of the personal earnings of the Judgment Debtor under Section 2716.03 (B) of the Ohio Revised Code.

Sworn to and subscribed before me this _____ day of _____, 200 ____.

Affiant's Signature

Deputy Clerk or Notary Public

Berea Municipal Court.
11 Berea Commons ♦ Berea, Ohio 44017
(440) 826-5860

Mark A. Comstock, Judge

Raymond J. Wohl, Clerk of Courts

State of Ohio }
County of Cuyahoga } SS.

AFFIDAVIT
OF CURRENT BALANCE DUE ON GARNISHMENT ORDER

Judgment Creditor

-vs-

Case No. _____

Judgment Debtor

Before me, the undersigned Notary Public or Deputy Clerk of the Berea Municipal Court personally appeared: _____, who being first duly sworn according to law, says that he/she is the JUDGMENT CREDITOR or ATTORNEY FOR JUDGMENT CREDITOR in the above-captioned matter and received a judgment against JUDGMENT DEBTOR on (judgment entry date) _____ in the Berea Municipal Court.

Original amount of Judgment \$ _____
Accrued interest to date \$ _____
Court Costs assessed to date..... \$ _____
All moneys paid to the Judgment Creditor and the
Judgment Creditor's Attorney on the judgment to date \$ _____
Current Balance Due \$ _____

Name of Judgment Creditor: _____

Address of Judgment Creditor _____

Phone No. of Judgment Creditor: _____

Name of Judgment Creditor Attorney: _____

Address of Judgment Creditor Attorney: _____

Phone No. Judgment Creditor Attorney: _____

Sworn to and subscribed before me this _____ day of _____, 200__.

Affiant

Deputy Clerk or Notary Public

