

INSTRUCTIONS FOR BANK ATTACHMENTS

REQUIREMENTS FOR FILING

- Judgment must be obtained and journalized with the Berea Municipal Court.
- In the collection process you, the Plaintiff, now become the Judgment Creditor and the Defendant becomes the Judgment Debtor.
- You are required to supply the Court with the original and 4 double-sided copies of the "OTHER THAN" form. If you have additional banks or Defendants please add 2 copies for each addition. Also, you must have the original and 3 double-sided copies of the "NOTICE TO JUDGMENT DEBTOR" and "REQUEST FOR HEARING." If copies of these forms are not supplied you will be charged accordingly per copy.
- Bank Attachment forms should be typed. If you do not have access to a typewriter or cannot scan 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 Bank Attachments are as follows:*** The filing fee is \$50.00 for one bank and One Defendant. There is a \$10.00 fee for each additional bank and each additional Defendant. You must have a separate check for \$1.00 made payable to each bank you are garnishing.
- 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 these filings. It is the responsibility of the Plaintiff/Judgment Creditor to complete, file and follow up on all forms in their timely manner.

Addresses for Bank Attachments

- You must use these addresses in order for your garnishment to be processed with the banks main office for legal processing

Ohio Savings Bank
Ohio Savings Plaza
1801 East 9th St., Suite 200
Cleveland, Ohio 44114
Attn: Legal Department

US Bank FKA Firststar/Star Bank
P.O. Box 5220
Cincinnati, Ohio 45201-5220
Attn: Legal Research CN-WP-02RG

National City Bank
770 West Broad Street
Columbus, Ohio 43251
Attn: Special Services LOC 16-0325

Key Bank
4910 Tiedeman Road
Brooklyn, Ohio 44144
Attn: Judgment Processing
Mail Code 01-51-0314

Huntington National Bank
7 Easton Oval
Columbus, Ohio 43219
Attn: Legal Department EA2W34

Bank One
5321 Corporate Blvd., 2nd Floor
Baton Rouge, LA 70808
Attn: Legal Processing LA2-2808

Republic Savings Bank
2425 East Grand River Ave., Suite A
Lansing, MI 48912

Dollar Bank
Tower at Erievue
1301 East Ninth Street
Cleveland, Ohio 44114
Attn: Legal Department

Charter One Bank
1215 Superior Avenue
Cleveland, Ohio 44114
Attn: Legal Department

Fifth Third Bank
P.O. Box 1868
Toledo, Ohio 43603
Attn: Deposit Services/Terese

First Merit Bank
III Cascade Plaza, 7th Floor
Akron, Ohio 44308
Attn: Legal Department

Third Federal Savings & Loan
7007 Broadway Avenue
Cleveland, Ohio 44105
Attn: Legal Department

Lorain National Bank
457 Broadway
Lorain, Ohio 44052
Attn: Legal Department

Metropolitan Bank & Trust
Corporate Headquarters
22901 Mill Creek Blvd.
Highland Hills, Ohio 44122
Attn: Legal Department

INSTRUCTIONS FOR BANK ATTACHMENTS

● Complete the "OTHER THAN" by following the numbers accordingly on the form

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. Judgment Creditor (Plaintiff Name) 2. Plaintiff's Address 3. Plaintiff's City, State and Zip Code 4. Berea Court Case Number 5. Judgment Debtor (Defendant's Name) 6. Judgment Debtor (Defendant Address) 7. Judgment Debtor's City, State and Zip Code 8. Judgment Creditor/Plaintiff's Name 9. Date of Judgment 10. Judgment Debtor/Defendant Name 11. Judgment Debtor/Defendant Address 12. Amount of Judgment 13. Interest Amount Due | <ol style="list-style-type: none"> 14. Total Court Cost Due 15. Amount Received on Judgment Date 16. Total Amount Currently Due 17. Name of Bank
(If you are attaching more than one bank you MUST attach an "Exhibit A") 18. Property description (i.e.: checking account, savings account, etc.) 19. Name and complete address of Bank 20. Judgment Creditor's Name 21. Judgment Creditor's Address 22. Judgment Creditor's Telephone Number 23. Total Amount Due (see line 16) |
|--|---|

THE DEBT COLLECTOR IS ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.

AFFIDAVIT AND ORDER AND NOTICE OF GARNISHMENT OF PROPERTY OTHER THAN PERSONAL EARNINGS AND ANSWER OF GARNISHEE

CIVIL CLAIMS 17

THE STATE OF OHIO
CUYAHOGA COUNTY SS.

Berea Municipal Court
11 Berea Commons
Berea, OH 44017

JUDGMENT CREDITOR(S)

_____ #1
_____ #2
_____ #3

CASE NO. _____ #4

AGAINST

JUDGMENT DEBTOR(S)

_____ #5
_____ #6
_____ #7

OTHER THAN

ANSWER DAY _____

Before me, the undersigned NOTARY PUBLIC or DEPUTY CLERK OF BEREA MUNICIPAL COURT, personally appeared _____ #8 who being first duly sworn according to law, says that he is the JUDGMENT CREDITOR OR ATTORNEY FOR THE judgment creditor herein and that said judgment creditor heretofore, to-wit, on the _____ #9 (date) duly recovered judgment before Berea Municipal Court against said judgment debtor _____ #10 which remains unsatisfied.

<p>(Judgment Debtor) _____ #11 (address of judgment debtor)</p> <p>Plus UNPAID COURT COSTS TO DATE including the COST OF THIS PROCEEDING + \$ _____ #14 Minus AMOUNT RECEIVED on JUDGMENT - \$ _____ #15 AMOUNT NOW DUE = \$ _____ #16</p>	<p>AMOUNT of JUDGMENT \$ _____ #12 including INTEREST TO DATE + \$ _____ #13</p>
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The affiant has good reason to believe and does believe that _____ #17, Garnishee, has property other than personal earnings, of the judgment debtor and that is not exempt under the laws of the State of Ohio or the laws of the United States. The property described as follows: _____ #18

Signed at _____, Ohio on _____, 20____ AFFIANT'S SIGNATURE
Sworn to and subscribed before me this _____ day of _____, 20____ NOTARY PUBLIC OR DEPUTY CLERK

TO THE SHERIFF OF SAID COURT — GREETING You are commanded to serve upon the garnishee three copies of the following court order and notice of garnishment and answer of garnishee. Also serve upon the judgment debtor two copies of the notice to judgment debtor and a request for hearing.

SECTION A: COURT ORDER AND NOTICE OF GARNISHMENT

TO: _____ #19, GARNISHEE
The judgment creditor in the above case has filed an affidavit, satisfactory to the undersigned, in the Berea Municipal 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 in the case, and that some of that money, property, or credits may not be exempt from execution or garnishment under the laws of the State of Ohio or the laws of the United States.

You are therefore ordered to complete section B of this form and return the COMPLETED original of this form, together with any amount shown due on it, by check or money order made payable to: Raymond J. Wohl, Clerk of Court, 11 Berea Commons, Berea, Ohio 44017

NOT LATER THAN

Deliver one COMPLETED copy of this form, to the indicated judgment debtor. Keep the other copy of the form for your files.

The TOTAL PROBABLE AMOUNT NOW DUE on this JUDGMENT, including INTEREST and COURT COSTS is \$ _____ #23

JUDGMENT Creditor or Attorney for Judgment Creditor: _____ #20
Address: _____ #21
Phone: _____ #22

You also are ordered to hold safely anything of value that belongs to the indicated judgment debtor that has to be paid to the Court, as determined under 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 this _____ day of _____, 20____ JUDGE OF SAID COURT

- Complete the Notice to Judgment Debtor by following the numbers accordingly on the form

1. Plaintiff/Judgment Creditor's Name
2. Plaintiff/Judgment Creditor's Address
3. Plaintiff/Judgment Creditor's City, State and Zip Code
4. Berea Court Case Number
5. Defendant/Judgment Debtor's Name
6. Defendant/Judgment Debtor's Address
7. Defendant/Judgment Debtor's City, State and Zip Code
8. Name of Bank you are collecting from
9. Date of Judgment

BEREA MUNICIPAL COURT

11 Berea Commons
Berea, Ohio 44017

#1 _____
#2 _____
#3 _____
Judgment Creditor
vs.
#5 _____
#6 _____
#7 _____
Judgment Debtor

Case No. #4 _____

**NOTICE TO THE JUDGMENT DEBTOR
OF GARNISHMENT OF PROPERTY
OTHER THAN PERSONAL EARNINGS^{1,2}**

You are hereby notified that this Court has issued an order in the above case in favor of #1 _____
#2 _____
#3 _____
#4 _____
#5 _____
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#100 _____

the Judgment Creditor in this proceeding, directing that some of your money, property, or credits, other than personal earnings, now in the possession of #8 _____
#9 _____
#10 _____
#11 _____
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#100 _____

the Garnishee in this proceeding, 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 THE BEREA MUNICIPAL COURT
Case No. #4 _____ on #9 _____ 20 _____. Upon your receipt of this notice, you are prohibited from removing or attempting to remove such money, property, or credits until expressly permitted by the court. Any violation of this prohibition subjects you to punishment for contempt of Court.

The law of Ohio and the United States 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) Workers' compensation benefits; | (4) Poor relief or general relief (G.R.); | (7) Veterans' benefits; |
| (2) Unemployment compensation benefits; | (5) Social security benefits; | (8) Black lung benefits; |
| (3) Aid to dependent children (A.D.C.); | (6) Supplemental security income (S.S.I.); | (9) Certain pensions. |
- Additionally, wages under a certain amount may not be taken to pay the debt. 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 he should not be given your money, property, or credits, other than personal earnings, now in the possession of the indicated garnishee because they are exempt or if you feel that this order is improper for any other reason, you may request a hearing before this Court by disputing the claim in the request for hearing form, appearing on the reverse side, 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 reasons for disputing the Judgment Creditor's right to garnish your property in the space provided on the form but 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, and 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. 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 indicated garnishee, if any, that can be used to satisfy all or part of the judgment you owe to the Judgment Creditor. No objections to the judgment itself will be heard or considered at any such hearing. 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 at

BEREA MUNICIPAL COURT

at _____ M. on _____, 20 _____. You may request the Court to conduct the hearing before this date by indicating your request in the space provided on the form; the Court then will send you notice of any change in the date, time, or place of the hearing. 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 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, you should contact your lawyer immediately. If you need the name of a lawyer, contact the local bar association.

Deputy Clerk of the Court

Date

**THE DEBT COLLECTOR IS ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION OBTAINED WILL BE USED FOR THAT PURPOSE.
AFFIDAVIT AND ORDER AND NOTICE OF GARNISHMENT OF PROPERTY OTHER THAN PERSONAL EARNINGS AND ANSWER OF GARNISHEE**

CIV/SM CLAIMS 12

THE STATE OF OHIO
CUYAHOGA COUNTY SS.

Berea Municipal Court
11 Berea Commons
Berea, OH 44017

Clerk's Filed Date Stamp

JUDGMENT CREDITOR(S)

AGAINST

JUDGMENT DEBTOR(S)

CASE NO. _____

OTHER THAN

ANSWER DAY _____

Before me, the undersigned NOTARY PUBLIC or DEPUTY CLERK OF BEREA MUNICIPAL COURT, personally appeared _____ who being first duly sworn according to law, says that he is the JUDGMENT CREDITOR OR ATTORNEY FOR THE judgment creditor herein and that said judgment creditor heretofore, to-wit, on the _____ (date) duly recovered judgment before Berea Municipal Court against said judgment debtor _____ which remains unsatisfied.

(judgment debtor)

(Address of judgment debtor)

AMOUNT OF JUDGMENT \$ _____
Including INTEREST TO DATE + \$ _____
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 _____, Garnishee, has property other than personal earnings, of the judgment debtor and that is not exempt under the laws of the State of Ohio or the laws of the United States. The property described as follows: _____

Signed at _____, Ohio on _____, 20 _____

AFFIANT'S SIGNATURE

Sworn to and subscribed before me this _____ day of _____, 20 _____

NOTARY PUBLIC OR DEPUTY CLERK

TO THE BAILIFF OF SAID COURT – GREETING You are commanded to serve upon the garnishee three copies of the following court order and notice of garnishment and answer of garnishee. Also serve upon the judgment debtor two copies of the notice to judgment debtor and a request for hearing.

SECTION A: 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 the Berea Municipal 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 one 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:

NOT LATER THAN

Deliver one COMPLETED and signed copy of this form, to the judgment debtor prior to that date. Keep the other copy of the 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 \$ _____

Judgment Creditor or Attorney for Judgment Creditor

Address

Phone

You also are ordered to hold safely anything of value that belongs to the indicated judgment debtor that 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 a nature that is cannot be so delivered, until further order of the Court.

Witness my hand this _____ day of _____, 20 _____

JUDGE OF SAID COURT

SECTION B: ANSWER OF GARNISHEE

Now comes _____ the Garnishee who says: YES _____ if Yes amount over \$400 _____
NO _____

1. That the garnishee has more than \$400 in money, property, or credits, other than personal earnings of the judgment debtor under the garnishee's control and in the garnishee's possession.
2. Said 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, including interest and costs, 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 AMOUNT is GREATER THAN that probable amount now due, sign and return this form and **pay that probable amount now due** from Section (A), 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 this Court, indicate that by placing an "X" in the box provided. 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 the Court.



I CERTIFY THAT THE STATEMENT ABOVE ARE TRUE

Print name of Garnishee

Print name and title of person who complete form

Signed _____ Dated this _____ day of _____ 20_____
Signature of person completing form

RETURN OF THE BAILIFF (for court use only)

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

Bailiff Fee \$ _____ By _____ Deputy Bailiff

Pursuant to the within command, I served the within notice upon within named Garnishee by leaving three true and certified copies thereof, with all endorsements thereon, at the office and usual place of business of said company at _____ M.
on _____ with _____

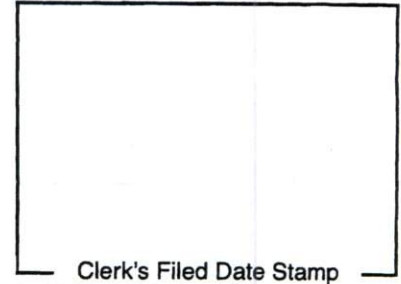
In charge thereof. The president or other chief officer not found in my bailiwick.

AND on the same day I served the within named judgment debtor _____
by depositing in the United States Mail, enclosed in a sealed envelope, bearing sufficient postage, a true and certified copy thereof with all endorsements thereon, two copies of the notice to the judgment debtor and hearing request card, addressed to the judgment debtor at the address given herein,

FEE PAID _____

BEREA MUNICIPAL COURT

**11 Berea Commons
Berea, Ohio 44017**



Clerk's Filed Date Stamp

Judgment Creditor

vs.

Judgment Debtor

Case No. _____

**NOTICE TO THE JUDGMENT DEBTOR
OF GARNISHMENT OF PROPERTY
OTHER THAN PERSONAL EARNINGS^{1,2}**

You are hereby notified that this Court has issued an order in the above case in favor of _____
_____,³ the Judgment Creditor in this proceeding, directing that some of your money in excess of four hundred dollars, property, or
credits other than personal earnings, that now may be in the possession of _____,⁴
the Garnishee in this proceeding, 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 _____⁵

Case No. _____⁶ on _____, 20_____.⁷ Upon your receipt of this notice,
you are prohibited from removing or attempting to remove such money, property, or credits until expressly permitted by the court. Any violation of
this prohibition subjects you to punishment for contempt of Court.

The law of Ohio and the United States 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) Workers' compensation benefits; | (4) Benefits and services under the prevention, retention, and contingency program; | (7) Supplemental security income (S.S.I.); |
| (2) Unemployment compensation payments; | (5) Disability financial assistance administered by the Ohio department of job and family services; | (8) Veteran's benefits; |
| (3) Cash assistance payments under the Ohio works first program; | (6) Social security benefits; | (9) Black lung benefits; |
| | | (10) 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 the possession of the indicated garnishee because they are exempt or if you feel that this order is improper for any other reason, you may request a hearing before this Court by disputing the claim in the request for hearing form, appearing on the reverse side, 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 reasons for disputing the Judgment Creditor's right to garnish your property in the space provided on the form but 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, and 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 JUDGEMENT 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 indicated garnishee, if any, that can be used to satisfy all or part of the judgement 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 at

BEREA MUNICIPAL COURT 11 BEREA COMMONS BEREA, OHIO 44017

At _____ M. on _____, 20_____. You may request the Court to conduct the hearing before this date by indicating your request in the space provided on the form; the Court then will send you notice of any change in the date, time, or place of the hearing. 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 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, you should contact your lawyer immediately. If you need the name of a lawyer, contact the local bar association.

Deputy Clerk of the Court

Date

BEREA MUNICIPAL COURT

11 Berea Commons
Berea, Ohio 44017

Case No. _____, 20_____

REQUEST FOR HEARING⁹ 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 in this matter be held _____
Insert "on" or "earlier than"
the date and time set forth in the document entitled "NOTICE TO THE JUDGMENT DEBTOR" that I received with this request form.

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

Name of Judgment Debtor

Signature

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 WAIVE YOUR RIGHT TO A HEARING AND SOME OF YOUR MONEY, PROPERTY, OR CREDITS, OTHER THAN PERSONAL EARNINGS, NOW IN THE POSSESSIONS OF _____

**BE PAID TO _____¹⁰ WILL
TO SATISFY SOME OF YOUR DEBT TO HIM."**

- ¹ File two copies of this notice which the court is required to serve on the Judgment Debtor, ORC §2716.13(C)(1).
- ² Service by regular mail unless otherwise requested. ORC §2716.13(C)(1). Must be served not less than seven days before hearing date. ORC §2716.13(C)(1).
- ³ Name and address of Judgment Creditor.
- ⁴ Name and address of Garnishee.
- ⁵ Name of Court.
- ⁶ Case Number.
- ⁷ Date.
- ⁸ Address of Court.
- ⁹ A Postage paid envelope addressed to the Court must be attached.
- ¹⁰ Garnishee's name.
- ¹¹ Judgment Creditor's name.

NOTE - Some courts may themselves provide some of the required forms.