

CUYAHOGA COUNTY AFFIDAVIT & ORDER & NOTICE OF GARNISHMENT OF PERSONAL EARNINGS & ANSWER OF EMPLOYER
CUYAHOGA COUNTY CLERK OF COURTS OFFICE, CIVIL DIVISION, 1ST FLOOR, JUSTICE CENTER, 1200 ONTARIO STREET, CLEVELAND, OH 44113, (216) 443-3764,
<http://coc.cuyahogacounty.us/>

CREDITOR
(ADDRESS) CASE NO. _____

DOCKET NO. _____

V.

DEBTOR
(ADDRESS)

STATE OF OHIO, COUNTY OF CUYAHOGA, ss: The undersigned, being first duly cautioned, sworn or affirmed according to law, says 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 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 judgment debtor's personal earnings.

ATTORNEY FOR
JUDGMENT CREDITOR
(INCLUDE FIRM ADDRESS AND REGISTRATION NO.)

Signature: Judgment Creditor/Attorney

Sworn to & Subscribed to me on _____

Signature: Notary Public

SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT

Garnishee:

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 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.

1. The UNPAID PORTION OF THE JUDGMENT amounts to: \$ _____
2. Plus INTEREST TO DATE (interest rate = ____%) + \$ _____
3. Plus UNPAID COURT COSTS amount to: + \$ _____
4. Minus AMOUNT PAID on judgment, costs, and interest - \$ _____
5. AMOUNT NOW DUE = \$ _____

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, from the debtors personal, disposable earnings during each pay period beginning with the first full pay period after you receive the order, until the judgment, 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.

This garnishment of personal earnings will 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 from 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 other order with a higher priority than 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 than this order.

Under any of the 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 182nd 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 & Seal of This Court On Today's Date _____

ADMINISTRATIVE AND PRESIDING JUDGE MICHAEL P. SHAUGHNESSY

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Case No. _____

CREDITOR

VS.

DEBTOR

THIS COMMUNICATION
IS FROM A DEBT COLLECTOR

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 (garnishee) herein, who says:

1. This order of garnishment of personal earnings was received on _____

2. The judgment debtor is in my/our employ: YES/NO (IF "YES" COMPLETE REMAINDER OF SECTION B AND THE INTERIM/FINAL REPORT FORM)

If answer is "No," give date of last employment: _____ If never employed here 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 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 of the agreement, sign this form, and return it to the court.

(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 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 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?

YES NO

If the answer to this question is "Yes," give the name of the court that issued 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.

I certify that the statements above are true.

(Print Name of Employer)

(Print Name and Title of Person Who Completed Form on behalf of the Employer)

Dated _____

(Signature of Employer or Employer's Agent)