



ZANESVILLE MUNICIPAL COURT

JUDGE W. ANDREW JOSEPH

This is the packet for garnishing a person's wages. All the forms required for this procedure are enclosed. The filing fee is \$120.00 for a regular civil case and \$60.00 for a small claims case.

The first form you need to fill out is the "Notice of Court Proceeding to Collect Debt."

You fill it out as shown and mail to the Defendant to the last known address either by certified mail or certificate of mailing received from the post office. After 15 days have passed from the date the certified mail was signed for or from your date of certificate of mailing, you may bring that proof along with all the other forms to the Court to file.

Only one defendant's name may be put on a garnishment. If you have two defendants that are both employed, you must file two separate garnishment orders.

We hope this helps you through the process.

ZANESVILLE MUNICIPAL COURT

**AFFIDAVIT, ORDER AND NOTICE OF GARNISHMENT AND ANSWER OF GARNISHEE
(PERSONAL EARNINGS)**

STATE OF OHIO

COUNTY OF MUSKINGUM, ss:

ZANESVILLE MUNICIPAL COURT

Judgment Creditor

CASE NO. _____

vs.

Judgment Debtor

(The debt collector is attempting to collect a debt and any information obtained will be used for that purpose)

The undersigned, first duly cautioned and sworn, deposes that I am the Judgment Creditor herein and that said Judgment Creditor on the ____ day of _____, duly recovered a judgment in the Zanesville Municipal Court against the Judgment Debtor named above. I, the affiant, have good reason to believe and do believe that _____ is an employer of the judgment debtor having personal earnings of the same, nonexempt under O.R.C. 2329.66, that the written demand required by O.R.C. 2716.02 has been made, that the payment demanded has not been made, nor has a sufficient portion been made to prevent the garnishment of person earnings pursuant to O.R.C. 2716.02. I further have no knowledge of any application by Judgment debtor for the appointment of a trustee so as to preclude garnishment, nor knowledge that the debt is the subject of a debt scheduling agreement of a nature precluding garnishment under O.R.C. 2716.03(B).
ATTORNEY FOR JUDGMENT CREDITOR

Judgment Creditor

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

Notary Public

SECTION 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 this court stating that you owe the Judgment Debtor money for personal earnings and that some of that money may not be exempt from garnishment under the laws of Ohio and the United States. You are therefore ordered to complete the "Answer of Employer Garnishee" in Section B 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 copy of this form for your files. The total probable amount now due on this judgment is \$ _____. (The total probable amount 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 at the rate of ____% per annum payable until that judgment is satisfied in full; and court costs in the amount of \$ _____. This garnishment order 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" from 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 costs, judgment interest, and, if applicable, prejudgment interest have been paid in full. You must pay that specified amount calculated each pay period at the statutory percentage to the Clerk of Court within thirty (30) days after the end of each pay period of the Judgment debtor and must include with that amount calculated each pay period at the statutory percentage a complete photocopy of the enclosed "Interim Report and Answer of Garnishee" form. You are permitted to deduct a processing fee of up to three dollars from the judgment Debtor's personal disposable earnings for an 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 " 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 garnishment order will generally remain in effect until one of the following occurs:

- 1) The total probable amount due is paid in full as a result of your withholding 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 had 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 the is order of Garnishment;
- 3) A municipal or county court appoints a trustee for the Judgment Debtor and issues to you an order staying this garnishment;
- 4) A federal bankruptcy court issues to you an order staying this order of garnishment;
- 5) A municipal or county court or a common pleas court 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 common pleas court 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 with this court 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", which is attached to his garnishment order. Under the circumstances listed above, you are required to file with this court a "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 O.R.C. 2716.041 an employer guide to processing continuous orders of garnishment is included with this order of garnishment and you should become familiar with them.

Witness my hand and the seal of this court this ____ day of _____, ____.

Clerk-Deputy Clerk

I CERTIFY THAT THE STATEMENTS ABOVE ARE TRUE

Dated: _____

Signed: _____

INTERIM REPORT AND ANSWER OF GARNISHEE

ZANESVILLE MUNICIPAL COURT

Judgment Creditor

vs.

CASE NO. _____

Judgment Debtor

The Garnishee, _____, in the above case states as follows:
Employer Name

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 per cent (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 above, if paid biweekly, enter sixty, if paid semimonthly, enter sixty-five, if paid monthly, enter one hundred thirty, then calculate this 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); otherwise subtract up to three dollars (\$3))
10. Other deduction \$ _____
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 statement above are true

Print Name of Employer

Print Name and Title of Person Completing Form

Signed _____
Signature of Person Who Completed Form

FINAL REPORT AND ANSWER OF GARNISHEE

ZANESVILLE MUNICIPAL COURT

Judgment Creditor

vs.

Judgment Debtor

CASE 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 section A of the order of garnishment of the judgment debt's personal earnings is \$ _____
3. The total amount that has been withheld from the judgment debtor's personal disposable 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 reasons(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 garnishment 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) _____

(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):

(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: _____

(G) ___ Other: _____

I certify that the statements above are true.

Print name of employer

Print name and title of person who completed form

Signature of person who completed form

Date

NOTICE OF COURT PROCEEDING TO COLLECT DEBT

TO: _____
Name of Judgment Debtor

Date of Mailing or Date of Service by the Court _____
Last Known Residence Address of Judgment Debtor

You owe the undersigned _____
Name of Judgment Creditor

\$ _____
Amount Due to You

Including interest and court costs, for which a judgment was obtained against you or certified in the Zanesville Municipal Court on _____, payment of which is hereby demanded. 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 earning. It is to your advantage to avoid garnishment of person 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) 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 amount of the claims and the amounts due on their claims. And the amount you then will pay to the 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 of 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 such 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.

Address of Judgment Creditor

Name of Judgment Creditor

PAYMENT TO AVOID GARNISHMENT

To: _____
Name of Judgment Creditor

Address of Judgment Creditor

To avoid the 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) \$ _____
(B) Enter the date when your present pay period ends _____.
- 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 times the current federal minimum hourly wage; if paid bi-weekly, enter sixty times the current federal minimum hourly wage; if paid semi-monthly, enter sixty-five times the current federal minimum hourly wage; if paid monthly, enter one hundred thirty times the current federal minimum hourly wage: (5A) \$ _____
(5B) \$ _____
- 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.

Print Name and Residence Address of Judgment Debtor

Signature of Judgment Debtor

(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.

Print name of employer

Signature of Employer

I certify that I have attached copies of my pay stubs for the two pay periods immediately prior to my receiving this notice

NOTICE TO JUDGMENT DEBTOR (Signed by Clerk of Court)

ZANESVILLE MUNICIPAL COURT

CASE NO.

Judgment Creditor

vs.

PERSONAL EARNINGS

Judgment Debtor

You are hereby notified that this court has issued an order in the above case in favor of _____ the judgment

Name and Address of Judgment Creditor

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 Zanesville Municipal Court in case number

_____ on _____.

Date you were in court

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 documents entitled "ORDER AND NOTICE OF GARNISHMENT AND ANSWER

OF EMPLOYER” that are enclosed with this notice show 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 reason, you may request a hearing before this court by disputing the claim in the request for hearing form, attached, 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 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. Not 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 on 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 office will send you notice of the date, time, and a place. You may indicate on the form that you believe that 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 practicable 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.

Date

Clerk-Deputy Clerk

**REQUEST FOR HEARING
(MONEY-PROPERTY-CREDITS)**

Case No. _____

Zanesville Municipal Court
Zanesville, Ohio

I dispute the judgment creditor’s right to garnish my money, property, or credits, or other than personal earnings, in the above case and request that a hearing be held _____ the date and time set forth in the document and entitled “Notice To The Judgment Debtor” that I received with this request for.

Insert on or earlier than

I dispute the judgment creditor’s right to garnishment my property for the following reasons:

I understand that no objections to the judgment itself will be heard or considered at the hearing.

Date: _____

Name of Judgment Debtor-Print

Signature

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEAIRNG OR A REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK OF THIS COURT WITHIN FIVE (5) JBUSNIESS 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 POSSESSION OF _____ WILL BE PAID TO

Garnishee's Name

TO SATISFY SOME OF YOUR DEBT TO

Judgment Creditor's Name

Judgment Creditor's Name