

**AFFIDAVIT, ORDER AND NOTICE OF GARNISHMENT AND ANSWER OF GARNISHEE**  
**(PERSONAL EARNINGS)**  
REVISED 8/00

**THE STATE OF OHIO**

**COUNTY OF \_\_\_\_\_, SS**

\_\_\_\_\_ Court  
\_\_\_\_\_, Ohio

\_\_\_\_\_  
Judgment Creditor

vs.

Docket No. \_\_\_\_\_ Page \_\_\_\_\_

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

\_\_\_\_\_  
Judgment Debtor

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

**AFFIDAVIT**

The undersigned, first duly cautioned and sworn, deposes that I am the \_\_\_\_\_ Judgement Creditor herein, and that said Judgement Creditor on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, duly recovered a judgement in the \_\_\_\_\_ Court against the Judgement Debtor named above I, the affiant, have good reason to believe and do believe that \_\_\_\_\_ is an employer of the judgement debtor having personal earnings of the same, nonexempt under R.C. 2329.66, that the written demand required by 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 personal earnings pursuant to 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 R.C. 2716.03(B).

ATTORNEY FOR 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 on 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. 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 Judgement 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 Judgement Creditor, which is \$ \_\_\_\_\_; interest on that judgment and, if applicable, prejudgment interest rate of \_\_\_\_\_% per annum payable until that judgement 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 Judgement 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 judgement 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 the amount calculated each pay period at the statutory percentage a completed 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 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 "Interim Report and Answer of Garnishee" for any pay period of the judgment debtor for which 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 specific 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 of the judgment as described above has been satisfied or the judgment as described above has been satisfied or the Judgment Creditor of 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 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 file 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 this garnishment order. Under 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 the "Final Report and Answer of Garnishee" is attached to his 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 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 \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
JUDGE