AFFIDAVIT, ORDER AND NOTICE OF GARNISHMENT AND ANSWER OF EMPLOYER
(PERSONAL EARNINGS)
(O.R.C. 2716.02, .03, .04, .05, .06)

THE STATE OF OHIO

COUNTY OF _____SUMMIT_____ , SS

In the _____STOW MUNICIPAL_____ COURT

_____STOW_____ , Ohio

_____ Judgment Creditor

vs.

Case No. _____

Docket No. _____ Page _____

_____ Judgment Debtor

AFFIDAVIT

The undersigned, being first duly cautioned and sworn, or affirmed, according to law, says that I am the attorney/judgment creditor herein who heretofore recovered, or certified, a judgment in the Stow Municipal Court against the judgment debtor named above, that the garnishee named in Section A below may be an employer of the judgment debtor and who may have personal earnings of the judgment debtor; That the written demand on judgment debtor required by Section 2716.02 of the Ohio Revised Code has been made at least 15 days and not more than 45 days before the date hereof; That the payment demanded in such written demand has not been made, nor has a sufficient portion been made to prevent the garnishment of personal earnings as described in such section; That affiant has no knowledge of any application by the judgment debtor for the appointment of a trustee, nor that the debtor is the subject of a debt scheduling agreement, either of which would preclude the garnishment of judgment debtor's personal earnings.

ATTORNEY FOR JUDGMENT CREDITOR

_____

_____

_____

Sworn to and subscribed before me

this _____ day of _____ , _____
                                                    YEAR

_____
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 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. (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 $_____.) 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," 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 your receive the order until the judgment in favor of the judgment creditor and the associated court costs, 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 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 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 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 of 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 the Ohio or federal law provides the other order with a higher priority than this order. (6) A municipal or county 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 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" 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 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 orders of garnishment is included with this order of garnishment. You should become familiar with these rules.

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

_____
Judge

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.)

(Answer All Pertinent Questions)

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

1. This order of garnishment of personal earnings was received on ………………………………………… (1) _____ , 20 ____

2. (A) The judgment debtor is in my/our employ ………………………………………..…… (2) A ☐ Yes ☐ No

    (B) If answer is "No," give date of last employment ………………………………………… (2) B _____ , 20 ____

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?

    _____ (3) A ☐ Yes ☐ No

    (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)? 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.

    _____ (3) B ☐ Yes ☐ No

    (C) Did you receive prior to the date that you received this order of garnishment of personal earnings one or more 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?

    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, date upon which you received each of those orders, and the balance due to the relevant judgment creditor under each of those order. 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.

    _____ (3) C ☐ Yes ☐ No

    I certify that the statements above are true.

Dated this _____ day of _____ , 20 ____   _____
                                                              (Print Name of Employer)

Completed copy, 2 copies of the Notice and Hearing Request form   _____
                                                                    (Print name and Title of Person Who Completed Form on Behalf of Employer)

delivered to judgment debtor _____ , 20 ____   Signed _____
                                                                    (Signature of Employer or Employer's Agent) (Sign all copies)

SECTION A OF THE FORM DESCRIBED INTHIS SECTION SHALL BE COMLETED BEFORE SERVICE. SECTION B OF THE FORM SHALL BE COMPLETED BY THE GARNISHEE, AND THE GARNISHEE SHALL FILE ONE COMPLETED AND SIGNED COPY OF THE FORM WITH THE CLERK OF THE COURT AS THE GARNISHEE'S ANSWER. THE GARNISHEE MAY KEEP ONE COMPLETED AND SIGNED COPY OF THE FORM AND SHALL DELIVER THE OTHER COMPLETED AND SIGNED COPY OF THE FORM TO THE JUDGMENT DEBTOR NOT LATER THAN THE TIME THAT THE GARNISHEE OTHERWISE WOULD PAY THE JUDGMENT DEBTOR THE PERSONAL EARNINGS THAT THE GARNISHEE INSTEAD IS PAYING TO THE COURT. THE GARNISHEE ALSO SHALL DELIVER AT THAT TIME THE TWO COPIES OF THE NOTICE TO THE JUDGMENT DEBTOR FORM AND OF THE REQUESTFOR HEARING FORM DESCRIBED IN SECTION 2716.06 OF THE REVISED CODE THAT WERE SERVED ON THE GARNISHEE.

   NO EMPLOYER SHALL DISCHARGE AN EMPLOYEE SOLELY BECAUSE OF THE SUCCESSFUL GARNISHMENT OF THE EMPLOYEE'S PERSONAL EARNINGS BY ONLY ONE JUDGMENT CREDITOR IN ANY TWELVE-MONTH PERIOD.

   IF SEVERAL AFFIDAVITS SEEKING ORDERS OF GARNISHMENT OF PERSONAL EARNINGS ARE FILED AGAINST THE SAME JUDGMENT DEBTOR IN ACCORDANCE WITH SECTION 2716.03 OF THE REVISED CCODE, THE COURT INVOLVED SHALL ISSUE THE REQUESTED ORDERS IN THE SAME ORDER IN WHICH THE CLERK RECEIVED THE ASSOCIATED AFFIDAVITS.

   THE GARNISHEE ALSO SHALL BE SERVED WITH A COPY OF THE EMPLOYER GUIDE TO PROCESSING CONTINUOUS ORDERS OF GARNISHMENT AT THE SAME TIME THAT THE FORMS AS PROVIDED IN THIS SECTION ARE SERVED UPON THE GARNISHEE.

TO: SHERIFF, CONSTABILE, BAILIFF

   You are hereby directed to serve three (3) copies of the "Order and Notice," together with the Garnishee's fee as provided for in O.R.C. 2716.04, two (2) copies of the "Notice to Judgment Debtor" and "Request for Hearing" forms described in O.R.C. 2716.06, the Garnishee named herein.

_____
Clerk – Deputy Clerk

RETURN OF SERVICE

Received _____ , 20 ____

On the _____ day of _____ , 20 ____
I served this writ on the within named by
☐ personal service
☐ Other (O.R.C. 2716.21)

(Sheriff – Bailiff – Constable)

FEES

Service and return _____

Returned and filed _____ , 20 ____

Mileage _____

I certify this to be a true copy of the original Order and Notice with all indorsements thereon.

(Sheriff – Bailiff – Constable)

By _____