

**Carl DiFranco, Clerk
Clerk of Common Pleas Court
Lake County, Ohio**

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_____ Judgment Creditor

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Case No. _____

VS.

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Judge _____

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_____ Judgment Debtor

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MOTION OF JUDGMENT CREDITOR FOR ORDER
OF GARNISHMENT OF PROPERTY OTHER THAN
PERSONAL EARNINGS. ¹

The Judgment Creditor moves the Court to issue an Order of Garnishment of Property other than Personal Earnings against the Judgment Debtor naming _____ as Garnishee.

Attorney Name

Attorney Address

Attorney Phone

Attorney Supreme Court I.D.

MEMORANDUM

Email Pursuant to Section 2716.11 et seq. of the Ohio Revised Code, the Judgment Creditor is entitled to the requested Order because the Judgment Creditor has obtained judgment against the Judgment Debtor and the Garnishee holds property other than personal earnings that belongs to the Judgment Debtor and is not exempt from execution.

Attorney for Judgment Creditor

¹Ex parte motion. Civ.R 5(A). File with Affidavit (Apco Form No. 415), Order and Notice of Garnishment (Apco Form No. 416), Notice to The Judgment Debtor and Request for Hearing (Apco Form No. 417). (Note-some courts may themselves provide some of the required forms.) Motion required by Civ.R. 7(B).

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

THE STATE OF OHIO

COMMON PLEAS COURT
COUNTY OF LAKE

JUDGMENT CREDITOR

VS

CASE NO. _____

JUDGMENT DEBTOR

JUDGE _____

AFFIDAVIT

Having first been duly sworn or solemnly affirmed to do so, I hereby state that I am the judgment creditor or the attorney for the judgment creditor in the above referenced case against the named judgment debtor that the garnishee named in section A may have in the garnishee's hands or control money, property, or credits, other than personal earnings, of the judgment debtor

AMOUNT NOW DUE \$ _____

DESCRIPTION OF PROPERTY / BANK ACCOUNT INFORMATION

Attorney Name

Sworn to and subscribed before me
This _____ day of _____, _____

Attorney Address

Notary Public / Deputy Clerk

Attorney Phone

Attorney Supreme Court ID

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 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.

Deliver one completed and signed copy of this form to the judgment debtor prior to that date. Keep the other completed and signed copy of this form for your files.

The Total Probable Amount now due of 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 \$ _____.

You also are ordered to hold safely anything of value that belongs to the Judgment Debtor and 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 it cannot be so delivered, until further order of the court. Witness my hand and the seal of this court this _____ day of _____, _____.

Judge

SECTION B. ANSWER OF GARNISHEE

(Answer All Pertinent Questions)

Now comes _____ the garnishee herein who says:
That the Garnishee has more than \$550 in money, property or credits, other than personal earnings, of the judgment debtor under
The Garnishee's control and in the Garnishee's possession. YES NO

If yes, amount over \$550 _____

That property is described as:

1. If the answer to line 1 is "yes" and the amount is less than the probable amount owed now due on the judgment as indicated in Section (A) of this form, sign and return this form and pay the amount of line 1 to the Clerk of Court.
2. If the answer to line 1 is "yes" and the amount is greater than the probable amount now due on the Judgment, as indicated in Section (A) of this form, sign and return this form and pay that probable amount now due to the Clerk of this Court.
3. 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 Court, indicate that by placing an "X" in this space . Do not dispose of that money, property, or credits or give them to anyone else until further order of the court.
4. If the answer to line 1 is "no", sign and return this form to the Clerk of this Court. I certify that the statements above are true.

(Print Name of Garnishee)

(Print Name and Title of Person Who Completed Form)

Signed _____
(Signature of Person Completing Form)
(Sign all copies)

Copy delivered to Judgment Debtor this _____ day of _____, _____

SECTION A SHALL BE FILLED IN BEFORE SERVICE SECTION B SHALL BE FILLED IN BY THE GARNISHEE AND THE ORIGINAL FILED WITH THE COURT AS HIS ANSWER THE GARNISHEE MAY KEEP ONE COMPLETED COPY AND SHALL DELIVER THE OTHER COMPLETED TO THE JUDGMENT DEBTOR

TO SHERIFF, CONSTABLE, BAILIFF

You are hereby directed to serve three (3) copies of this order of Garnishment of property other than personal earnings, together with the Garnishee's fees as provided for in O.R.C. 2716.12 with a written notice that the Garnishee answer as provided in O.R.C. 2716.21 on the Garnishee named herein.

Clerk – Deputy Clerk

RETURN OF SERVICE

Received _____,

(Sheriff – Bailiff- Constable)

On the _____ day of _____,
I served this writ on the within named by
 personal service
 other (O.R.C. 2716.21) _____
FEES

Return and filed _____,

Service and return _____

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

Mileage _____

(Sheriff – Bailiff – Constable)

By _____
Deputy

LAKE COUNTY
COMMON PLEAS COURT LAKE COUNTY, OHIO
25 N. Park Place, Painesville, Ohio 44077

Judgment Creditor

VS.

Case No. _____

Judgment Debtor

INSTRUCTIONS FOR SERVICE
(GARNISHMENT - OTHER THAN)

To The Clerk:

SERVICE ON GARNISHEE

Serve the Garnishee, _____
(Name and address of Garnishee)

by _____ with three copies of the Order of garnishment and notice to appear and Answer issued in this cause together with the sum of \$1.00 which is supplied herewith.

SERVICE OF JUDGMENT DEBTOR

Serve the Judgment Debtor, _____
(Name and address of Judgment Debtor)

by _____ with two copies of the notice to the judgment debtor of garnishment, and one copy of the request for hearing form. (Type of Service)

(Name of attorney or party submitting)

(Address of attorney or party submitting)

(Address of attorney or party submitting)

(Phone Number of attorney or party submitting)

(Supreme Court I.D.)

* Note: you may attach a sheet with any additional Garnishees

NOTICE TO JUDGMENT DEBTOR

**COMMON PLEAS COURT
LAKE COUNTY, OHIO**

JUDGMENT CREDITOR
VS

Case NO. _____

Judge

JUDGMENT DEBTOR

MONEY – PROPERTY - CREDITS

This is a legal notice in reference to a Court Order. You must read and follow all of the directions contained herein. If you have any questions concerning this notice, please contact the Clerk of Courts. You are hereby notified that this court has issued an order in the above case in favor of

(Name and Address of Judgment Creditor)

the judgment creditor in this proceeding, directing that some of the money in excess of five hundred and fifty dollars, property, or credits, other than personal earnings that now may be in the possession of the

(Name and Address of Garnishee)

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 _____ Court, in Case No. _____ on _____,

Upon your receipt of this notice, **you** are prohibited from removing or attempting to remove the money, property, or credits until 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 the following:

- (1) Workers Compensation Benefits;
- (2) Unemployment Compensation Payments;
- (3) Cash assistance payments under the Ohio works first program;
- (4) Benefits and Services under the prevention, retention and contingency program;
- (5) Disability assistance administered by the Ohio Department of Job and Family Services;
- (6) Social Security Benefits;
- (7) Supplemental Security Income (S.S.I.);
- (8) Veteran’s 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 garnishee because they are exempt or if you feel that his 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, 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 property 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. **No objections to the judgment 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 garnishee, if any, that can be used to satisfy all or part of the judgment 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 in _____ courtroom
_____, at _____ am /p.m. on _____,
(Address of Court)

You may request a hearing by delivering your request for hearing no later than the end of the fifth business day after you receive this notice. 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.

Date

Carl DiFranco

Clerk of Courts

By _____

Deputy Clerk

REQUEST FOR HEARING (Money – Property-Credits)

Case No. _____ Court,
Judge _____, 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 in this matter be held on the date 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: (1)

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 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 POSSESSION OF _____ WILL BE PAID TO _____ TO SATISFY SOME OF YOUR DEBT TO _____
(Garnishee’s Name)
(Judgment Creditor’s Name)
(Judgment Creditor’s Name)