



Guernsey County Clerk of Courts Jennifer Johnson

INSTRUCTIONS FOR FILING A GARNISHMENT OF PROPERTY OTHER THAN PERSONAL EARNINGS ORC 2716.13

The Deposit Cost in the amount of \$150.00 per garnishee; with the exclusion of State of Ohio, which the deposit is waived and costs assessed at the end.

The Judgment Creditor will need to file the following documents:

1. Motion of Judgment Creditor for Order of Garnishment of Property other than Personal Earnings.
 - Local Form G-9
2. Precipe for Service upon Garnishee AND Judgment Debtor
 - Local Form G-12
3. Affidavit, Order and Notice of Garnishment of Property Other Than Personal Earnings and Blank Answer of Garnishee (i.e. a bank or company, etc)
 - Original Notarized with three (3) copies
 - Local Form G-10
4. Notice to Judgment Debtor with attached Request for Hearing (*Signed by Clerk*)
 - 2 Copies each for Service upon Judgment Debtor
 - Local Form G-11
5. Notice to Garnishee per ORC 2716.12.
 - Clerk will serve to Garnishee
 - Local Form G-12

An additional amount of \$1.00 per garnishee (this must be in the form of check or money order, made payable to the garnishee), to answer the garnishment. This is NOT a Clerk fee: No receipt will be issued.

The Hearing Date will be assigned by the Judge's Office.

If you wish to receive time-stamped copies of the garnishment forms filed with the Court, please provide additional copies and a self-addressed, stamped envelope of sufficient size and with adequate postage affixed to accommodate your request.

**In the Court of Common Pleas
Guernsey County, Ohio
General Division**

Case No. _____

Judge Daniel G. Padden

Judgment Creditor(s)

vs.

Motion of Judgment Creditor for
Order of Garnishment of Property
other than Personal Earnings

Judgment Debtor(s)

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

Attorney Name

Attorney Supreme Court ID

Attorney Address

Attorney Phone

Memorandum

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

**In the Court of Common Pleas
Guernsey County, Ohio
General Division**

Judgment Creditor(s)

vs.

Judgment Debtor(s)

Case No. _____

Judge Daniel G. Padden

Precipe for Garnishment
of Property other than
Personal Earnings

TO THE CLERK:

Issue service as indicated.

Service on Garnishee/Financial Institution

Name: _____

Address: _____

Address: _____

Serve three (3) copies of the Notice & Order of Garnishment and Answer with the \$1.00 check supplied herewith.

Service on Judgment Debtor

Name: _____

Address: _____

Address: _____

Serve via ordinary US mail two (2) copies each of the Notice to Judgment Debtor and Request for Hearing Form, along with the self-addressed, stamped envelope.

Attorney Name and Supreme Court Number

Address, City, State, Zip Code

Signature of Attorney

Date

**IN THE COURT OF COMMON PLEAS
GUERNSEY COUNTY, OHIO**

**AFFIDAVIT, ORDER AND NOTICE OF GARNISHMENT OF
PROPERTY OTHER THAN PERSONAL EARNINGS (Section A)**

Judgment Creditor
vs.

Case No. _____

(This Number must be used on all references)

Judgment Debtor

AFFIDAVIT

Having first being 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 for Judgment Creditor

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

NOTARY PUBLIC

SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT

To Garnishee (Name and Address): _____

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), a separate 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: _____ (Date).

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 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 a rate of _____% per annum payable until that Judgment is satisfied in full; and court costs in the amount of \$ _____.

You are also 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) on a separate form, but that is of such a nature that it cannot be so delivered, until further order of the court.

Witness my hand and seal of this court this _____ day of _____, 20 ____.

Judge

**IN THE COURT OF COMMON PLEAS
GUERNSEY COUNTY, OHIO**

SECTION B. ANSWER OF GARNISHEE

Judgment Creditor

Case No. _____
(This number *MUST* be used on ALL referenced)

AGAINST

Judgment Debtor

(Answer All Pertinent Questions)

Now comes _____, the garnishee herein, who says:

1. That the Garnishee has more than \$400.00 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 \$400.00: _____

2. The property is described as: _____

3. If the answer to Line 1 is "Yes" and the amount is less than the probable amount now due on the judgment, as indicated in Section (A) on separate form, sign and return this form and pay the amount of Line 1 to the Clerk of this Court.

4. 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) on separate form, sign and return this form and pay that probable amount now due to the Clerk of this Court.

5. 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 the Court, indicated 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.

6. If the answer to Line 1 is "No", sign and return this form to the Clerk of this Court.

I certify that all statements above are true.

Print Name of Garnishee

Print Name and Title of Person Who Completed Form

Signed: _____
Signature of Person Completing Form

Dated this ____ day of _____, 20 ____

Copy delivered to Judgment Debtor this ____ day of _____, 20 ____.

Section A shall be completed before service, Section B shall be completed and signed by the Garnishee and the original filed with the court as the Garnishee's Answer. The Garnishee may keep one completed copy and shall deliver the other completed copy to the Judgment Debtor.

GUERNSEY COUNTY COURT OF COMMON PLEAS

801 Wheeling Avenue, Cambridge, Ohio 43725

Judgment Creditor

Case No. _____

VS.

Judgment Debtor

**NOTICE TO THE JUDGMENT DEBTOR OF GARNISHMENT OF
PROPERTY OTHER THAN PERSONAL EARNINGS**

You are hereby notified that this Court has issued an order in the above case in favor of the above listed **JUDGMENT CREDITOR** in this proceeding, directing that some of your money, property, or credits other than personal earnings, now in the possession of:

_____, 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 **COMMON PLEAS**, case no. _____ on _____.

Upon your receipt of this notice, you are prohibited from removing or attempting to remove such money, property, or 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:

Worker's compensation benefits	Unemployment compensation
Social Security benefits	Supplemental security income (SSI)
Veteran's benefits	Black lung benefits
Certain pension's	Unemployment compensation
Cash assistance payments under the Ohio works first program	
Disability financial assistance administered by the ODJFS	

Additionally, wages under a certain amount may not be taken to pay the debt. 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 the Judgment Creditor should not be given your money, property, or credits, other than personal earnings, now in the possession of the indicated garnishee because they are exempt, or if you feel that this 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 and delivering the **REQUEST FOR HEARING** to this court in the enclosed self-addressed stamped envelope 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, but you are not required to do so. If you do so state your reasons for disputing the Judgment Creditor's right, you are not prohibited from stating any other reason at the hearing, and 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.

If you request a hearing, the hearing will be limited to consideration of the amount of your money, property, or credits, other than personal earnings, in the possession or control of the indicated garnishee, of any, that can be used to satisfy all or part of the judgment you owe to the Judgment Creditor. No objections to the judgment itself will be heard or considered at any such hearing.

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 at the following:

Guernsey County Common Pleas Court, 801 Wheeling Ave. 3RD Floor, Cambridge, Ohio 43725

Date: _____ **Time:** _____.

You may request the court to conduct the hearing before this date by indicating your request in the space provided on the form; the court will then send you notice of any change in the date, time, or place of the hearing. 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 attorney immediately. If you need the name of a lawyer, contact the local Bar Association. **NEITHER THE JUDGE NOR THE CLERK CAN GIVE LEGAL ADVICE OR ACT AS YOUR LAWYER.**

Jennifer Johnson, Clerk of Courts

By Deputy Clerk

GUERNSEY COUNTY COURT OF COMMON PLEAS

801 Wheeling Avenue, Cambridge, Ohio 43725

Judgment Creditor

CASE NO. _____

vs.

Judgment Debtor

REQUEST FOR HEARING

I dispute the Judgment Creditor's right to garnish my money, property, or credits, other than personal earnings, in the above case and request that a hearing in this matter be held _____ (*Insert "on" or "earlier than"*) the date and time set forth in the documents entitled "**NOTICE TO JUDGMENT DEBTOR**" that I received with this request form.

I dispute the Judgment Creditor's right to garnish my personal earnings for the following reasons: (Stating reason is optional)

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 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 THE GARNISHEE WILL BE PAID TO JUDGMENT CREDITOR TO SATISFY SOME OF YOUR DEBT TO JUDGMENT CREDITOR.

NOTICE TO GARNISHEE
ORC 2716.21

The Plaintiff in the within matter has filed an affidavit satisfactory to this Court, stating that you have in your possession, money, property, or credits other than personal earnings, belonging to the Judgment Debtor, and that some of that money may not be exempt from execution or attachment under the laws of Ohio

Enclosed are three copies of the Order of Garnishment of Property other than Personal Earnings. You are **ORDERED** to complete Section B of the attached garnishment form and **RETURN THE ORIGINAL OF THE FORM, TOGETHER WITH ANY AMOUNT DUE**, to this Court and deliver a completed copy of the garnishment form to the Defendant.

PLEASE NOTE: THE DATE YOU DELIVER A COPY OF THE COMPLETED GARNISHMENT FORM TO YOUR CUSTOMER MUST BE ENDORSED ON THE ORIGINAL THAT YOU ARE TO RETURN TO THE COURT.

The fee required by ORC 2716.12 for \$1.00 is enclosed for complying with the Court order.

If you have any questions, please call the Guernsey County Clerk of Court's office at (740) 432-9230, Monday through Friday, 8:30 a.m. to 4:00 p.m.

Thank You.