

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

(O.R.C. 2716.11, .12, .13)

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, affirmed according to law, says that I am the Judgment Creditor herein/Attorney for Judgment Creditor herein, and that said Judgment Creditor heretofore, to-wit, on the day of , YEAR, duly recovered a judgment before the Court against said Judgment Debtor

(The name of the judgment debtor whose property the judgment creditor seeks to garnish)

DESCRIPTION OF PROPERTY:

(Name of Garnishee) at (Address of Garnishee) who may have in the garnishee's hands or control money,

property, or credits, other than personal earnings, of the Judgment Debtor.

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 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 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 \$

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) 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 seal of this court this day of , YEAR

Judge

SECTION B. ANSWER OF GARNISHEE

Now comes _____, the garnishee, who says:

1. That the Garnishee has more than \$450 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 \$450 _____

2. That 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) of this 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) of this 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, 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.
- 6. 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)

Dated this _____ day of _____, _____
YEAR

SECTION A OF THE FORM DESCRIBED INT HIS DIVISION SHALL BE COMPLETED 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.

If several affidavits seeking orders of garnishment of property other than personal earnings are filed against the same judgment debtor in accordance with Section 2716.11 of the Revised Code, the court involved shall issue the requested orders in the same order in which the clerk received the associated affidavits.

TO: SHERIFF, CONSTABILE, BAILIFF

You are hereby directed to serve three (3) copies of the order of garnishment of property, other than personal earnings, and of a written notice that the garnishee answer as provided in Section 2716.21 of the Revised Code and Section 2716.12 of the Revised Code.

The clerk shall also mail a copy of the order and notice of garnishment to the garnishee by ordinary or regular mail service as per Section 2716.13 (B) of the Revised Code.

Clerk - Deputy Clerk

RETURN OF SERVICE

Received _____, 20 _____

(Sheriff - Bailiff - Constable)

Returned and filed _____, 20 _____

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

On the _____ day of _____, 20 _____

I served this writ on the within named by

- personal service
- Other (O.R.C. 2716.21)

FEES

Service and return _____

Mileage _____

(Sheriff - Bailiff - Constable)

By _____