

**ORDER AND NOTICE OF GARNISHMENT OF PROPERTY OTHER THAN
PERSONAL EARNINGS AND ANSWER OF GARNISHEE
(Bank Garnishment)**

**HOCKING COUNTY MUNICIPAL COURT
105 WEST HUNTER STREET, PO BOX 950
LOGAN, OH 43138**

Case No. _____

**JUDGMENT CREDITOR(S)
AGAINST**

JUDGMENT DEBTOR(S)

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 or Creditor's Name (Print or Type)

Phone Number

Attorney's Supreme Court Reg. Number

Affiant's Signature

Sworn to and subscribed before me this _____ day of _____, 20_____.

Notary Public

SECTION A: COURT ORDER AND NOTICE OF GARNISHMENT

To: _____, **garnishee: (Bank where debtor has account)**

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 belongs to the judgment debtor. **You are therefore ordered to complete the "Answer of Garnishee" form 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 end of the fifth business day after your receipt of this Order of Garnishment.

Deliver one completed and signed copy of this form to the judgment debtor and 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 **ordered** to hold safely anything of value that belongs to the judgment debtor and has to be paid to the Court, as determined under "**Answer of Garnishee**" in section B of this form, but that is of such a nature that it cannot be delivered until further order of this court.

WITNESS MY HAND AND SEAL OF THE COURT THIS _____ **DAY OF** _____, **20** _____.

JUDGE

SECTION B: ANSWER OF GARNISHEE

Now comes _____ the garnishee who says:

1. That the garnishee has more than \$625 in money, property, or credits other than personal earnings, of the judgment debtor under the garnishee's control and in garnishee's possession. YES _____ NO _____

If "YES" give the amount over \$625: \$ _____

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) of this form, sign and return this form and pay the amount to the clerk of 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 the 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 this clerk of court, indicate that by placing and "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 AND TITLE OF PERSON WHO COMPLETED THIS ANSWER)

Signed _____
(SIGNATURE OF PERSON WHO COMPLETED THIS ANSWER)

Copy delivered to Judgment Debtor this _____ days 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, BALIFF

You are hereby directed to serve three (3) copies of this order of Garnishment of properly other than personal earnings, together with the Garnishee's fee as provide for 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 – Constables)

Returned and filed _____, _____

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

On the ____ day of _____, _____
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 _____
Deputy

**HOCKING COUNTY MUNICIPAL COURT
NOTICE TO JUDGMENT DEBTOR**

Case No. _____

Name & Address of Judgment Creditor

MONEY-PROPERTY-CREDITS

VS

Name & Address of Judgment Debtor

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 Clerks Office. 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 your money in excess of four hundred dollars, property, or credits, other than personal earnings that now may be in the possession of _____

_____, (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 Hocking County Municipal 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 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 Human 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 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 for, attached, or in a substantially similar form, and delivering the request for hearing to this court at the Hocking County Municipal Court 105 West Hunter Street Logan, Ohio 43138 no later than close of business 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 the Hocking County Municipal Court 105 West Hunter Street, Logan at _____

.m. on _____
You may request the court to conduct the hearing before this date indicating your request in the space provided on the form; the court then will 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 Hocking County Municipal Court.

If you want legal representation you should contact your lawyer immediately. If you need the name of the lawyer, contact the local Bar Association.

_____, _____
Date

Clerk/Deputy Clerk

IN THE HOCKING COUNTY MUNICIPAL COURT, LOGAN, OHIO

**REQUEST FOR HEARING
(MONEY—PROPERTY—CREDITS)**

CASE NO: _____

I dispute the judgment creditor's right to garnish my money, property, or credits, or other personal earnings, in the above case and request that a hearing be held no later than twelve days after delivery of this request to the court.

(1)I dispute the judgment creditor's right to garnish my property for the following reasons:

I UNDERSTAND THAT NO OBJECTIONS TO THE JUDGMENT ITSELF WILL BE HEARD OR CONSIDERED AT THIS HEARING.

DATE: _____

(printed name of Judgment Debtor)

(Signature of Judgment Debtor)

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 _____

(Garnishee's name)

_____ WILL BE PAID TO _____ TO

(Judgment Creditor's name)

SATISFY SOME OF YOUR DEBT TO _____

(Judgment Creditor's name)

(1)Optional

(rev 10/08)