

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

Norwalk Municipal Court
45 North Linwood Avenue
Norwalk, Ohio

Judgment Creditor
vs.

Case No. _____

Judgment Debtor

AFFIDAVIT IN SUPPORT OF MOTION FOR ORDER OF GARNISHMENT OF PROPERTY OTHER THAN PERSONAL EARNINGS

The undersigned, _____ the _____, 2
being first duly sworn, states that:

1. The name of the Judgment Debtor whose property, other than personal earnings, the Judgment Creditor seeks to garnish is _____
2. The affiant has good reason to believe and does believe that _____ the Garnishee, has property, other than personal earnings, of the Judgment Debtor that is not exempt under the laws of this State or the United States.
3. The property is described as follows:

4. The Judgment Creditor has obtained judgment against the Judgment Debtor which remains unsatisfied.
Signed at _____, Ohio on _____, 20____, 3, 4

Affiant's Signature

STATE OF OHIO
COUNTY OF HURON

SS:

Sworn to before me and subscribed in my presence this _____ day of _____, 20____.

Notary Public – State of Ohio

1. To be used to commence a proceeding after judgment and after journalization of judgment. ORC 2716.11.
2. The Judgment Creditor, the Judgment Creditors agent, or attorney. ORC 2716.11.
3. Must be accompanied by garnishment fee. ORC 2716.12 and by Motion for Order, Order and Notice of Garnishment, Notice to the Judgment Debtor and Request for Hearing, and a praecipe instructing the Clerk to issue two copies of the Notice and Hearing Request to the Judgment Debtor, ORC 2716.13C(1).
4. Court must schedule a hearing within 12 days of the filing of this proceeding. ORC 2716.13(A).

SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT 1,2,3,4

To: _____, Garnishee.

The Judgment Creditor in the above case has filed an affidavit, satisfactory to the undersigned in the Norwalk Municipal Court stating that you have money, property, or credits, other than personal earnings, in your hands or under your control that belong to the Judgment Debtor in the case, and that some of the money, property, or credits may not be exempt from execution or garnishment under the laws of the State of Ohio or the laws of the United States.

You are therefore ordered to complete section (B) of this form, and return the completed original of this form, together with any amount shown due on it, to the Norwalk Municipal Court not later than _____, 20____. 5 Deliver one completed copy of this form to the indicated Judgment Debtor. Keep the other copy for your files.

The total probable amount now due on this judgment, including interest and court costs, is \$ _____

You also are ordered to hold safely anything of value that belongs to the indicated Judgment Debtor that has to be paid to the Court, as determined under Section (B) of this form, but that is of 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 _____, 20____.

JUDGE

SECTION B. ANSWER OF GARNISHEE 6

Now comes _____ the Garnishee who says:

1. That the Garnishee has money, property, or credits, other than personal earnings of the indicated Judgment Debtor under the Garnishee's control and in Garnishee's possession.

- | Yes | No | If yes, amount |
|--|----|----------------|
| 2. Said 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, including interest and costs, 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 that probable amount now due, 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 this 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)

Dated this ____ day of _____ 20 ____ . 6

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

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 GARNISHEES ANSWER, THE GARNISHEE MAY KEEP ONE COMPLETED COPY AND SHALL DELIVER THE OTHER COMPLETED TO THE JUDGMENT DEBTOR.

1. Three copies must be served on Garnishee ORC 2716.13(B). Garnishee returns one to the Clerk of Courts and one to the Judgment Debtor and one is retained by the Garnishee. Must be served not later than seven days prior to the scheduled hearing date. ORC 2716.13(B).
2. Set forth address of the Judgment Debtor.
3. To be completed by the Judgment Creditor.
4. Must be accompanied by Motion for Order, Affidavit, Notice to the Judgment Debtor, and a praecipe instructing the Clerk to issue two copies of the Notice and the Hearing Request to the Judgment Debtor. ORC 2716.13C(1).
5. Before the date set for the hearing as indicated on this notice. ORC 2917.21(B) and ORC 2716.13(B).
6. To be completed by the Garnishee.

THE FOLLOWING FOR COURT USE ONLY

I CERTIFY THIS TO BE A TRUE COPY OF THE ORIGINAL WITH ALL ENDORSEMENTS THEREON.

Title
By _____
Signature of Persona Serving Order

RECEIVED THIS WRIT ON THE ____ DAY OF _____ 20 ____ .

ON THE ____ DAY OF _____ 20 ____ .

I SERVED THIS WRIT ON THE WITHIN NAMED GARNISHEE(S)

BY MAILING A TRUE COPY OF THIS ORDER OF GARNISHMENT

- BY CERTIFIED MAIL BY REGULAR MAIL
- BY LEAVING A TRUE COPY OF THE ORDER OF GARNISHMENT
- AT USUAL PLACE OF RESIDENCE AT COMPANY OR CORPORATION
- WITH GARNISHEE PERSONALLY GARNISHEE - NOT FOUND

Title
By _____
Signature of Person Serving Order