

**COURT OF COMMON PLEAS
LORAIN COUNTY, OHIO**
Tom Orlando, Clerk of Court
Lorain County Justice Center, Room 105
Elyria, OH 44035
PH: (440) 329-5536

**INSTRUCTIONS FOR FILING A GARNISHMENT OF PERSONAL EARNINGS OF
JUDGMENT DEBTOR**
(Ohio Rev. Code Chapter 2716 et seq.)
(REVISED 5/14/2020)

Deposit for filing: \$200.00

The following items are required (please use only court-approved forms available on our website at: www.loraincounty.us/clerk):

- 1) Motion for Order of Garnishment of Personal Earnings of Judgment Debtor;
- 2) Two copies of Affidavit of judgment creditor or judgment creditor's attorney pursuant to § 2716.03 and one copy of proof of service of written demand (*no court forms available*);
- 3) Four copies of Court Order and Notice of Garnishment;
- 4) Two copies of Notice to the Judgment Debtor Pursuant to § 2716.06;
- 5) Two copies of Request for Hearing Form (§ 2716.06)
- 6) One copy of Interim Report and Answer of Garnishee;
- 7) One copy of Final Report and Answer of Garnishee; and
- 8) One Praecept for Garnishment of Personal Earnings.

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.

The following items are required to be filed annually with the court, the garnishee, and the judgment debtor. The *judgment creditor* is responsible for effectuating service of these documents, which are also available on our website:

- 9) Affidavit of Current Balance Due on Garnishment and Notice to Judgment Debtor pursuant to § 2716.031; and
- 10) Request for Hearing Form (§ 2716.031), *accompanied by self-addressed, stamped envelope for the judgment debtor.*

personal earnings, and you may photocopy it to use each time you pay the specified amount to the clerk of this court. You are permitted to deduct a processing fee of up to three (3) dollars from the judgment debtor's personal disposable earnings for any pay period of the judgment debtor that an amount was withheld for that order (the processing fee is not a part of the court costs). You are not required to file with the court the "INTERIM REPORT AND ANSWER OF GARNISHEE" for any pay period of the judgment debtor for which an amount from the judgment debtor's personal disposable earnings during that pay period was not withheld for that order.

This order of garnishment of personal earnings generally will remain in effect until one of the following occurs:

- (1) The total probable amount due on the judgment as described above is paid in full as a result of your withholding of the specified amount, calculated each pay period at the statutory percentage, from the judgment debtor's personal disposable earnings during each pay period of the judgment debtor that commenced with the first full pay period beginning after you received the order.
- (2) The judgment creditor or the judgment creditor's attorney files with this court a written notice that the total probable amount due on the judgment as described above has been satisfied or the judgment creditor or the judgment creditor's attorney files a written request to terminate this order of garnishment and release you from the mandate of this order of garnishment.
- (3) A municipal or county court appoints a trustee for the judgment debtor and issues to you an order that stays this order of garnishment of personal earnings.
- (4) A federal bankruptcy court issues to you an order that stays this order of garnishment of personal earnings.
- (5) A municipal or county court or a court of common pleas issues to you another order of garnishment of personal earnings that relates to the judgment debtor and a different judgment creditor, and Ohio or federal law provides the other order with a higher priority than this order.
- (6) A municipal or county court or a court of common pleas issue to you another order of garnishment of personal earnings that relates to the judgment debtor and a different judgment creditor and that does not have a higher priority than this order.
- (7) The judgment creditor or the judgment creditor's attorney files with this court a written request to terminate and release the order of garnishment, and as a result, the order of garnishment will cease to remain in effect.

Under any of the circumstances listed above, you are required to file with this court a "FINAL REPORT AND ANSWER OF GARNISHEE" substantially in the form set forth in section 2716.08 of the Ohio Revised Code. A copy of the "FINAL REPORT AND ANSWER OF GARNISHEE" is attached to this order of garnishment of personal earnings. Under the circumstances listed in (5) and (6) above, you must cease processing this order of garnishment after the expiration of the full pay period within which the one hundred eighty-second (182nd) day after you began processing it falls.

Special stacking, priority of payment, and manner of payment rules apply when a garnishee receives multiple orders of garnishment with respect to the same judgment debtor. These rules are set forth in 2716.041 of the Ohio Revised Code. An employer guide to processing continuous orders of garnishment is included with this order of garnishment. You should become familiar with these rules.

IT IS SO ORDERED.

(Date)

JUDGE

VOL: _____ PAGE: _____

IN THE COURT OF COMMON PLEAS
LORAIN COUNTY, OHIO

CASE NO: _____

JUDGE _____

SECTION B: ANSWER OF EMPLOYER (GARNISHEE)

(An employer is one who is required to withhold payroll taxes out of payments of personal earnings made to the judgment debtor.)

Now comes _____, the employer (garnishee) herein, who says:

1. This order of garnishment of personal earnings was received on _____.
(date)

2. The judgment debtor is in my/our employ. YES / NO
If the answer is "NO", give date of last employment here: _____.

3. (A) Is the debt to which this order of garnishment of personal earnings pertains the subject of an existing agreement for debt scheduling between the judgment debtor and a budget and debt counseling service, and has the judgment debtor made every payment that was due under the agreement for debt scheduling no later than forty-five days after the date on which the payment was due? YES / NO
If the answer to both parts of this question is "YES", give all available details of the agreement, sign this form, and return it to the court. _____
_____.

(B) Were you, on the date that you received this order of garnishment of personal earnings, withholding moneys from the judgment debtor's personal disposable earnings pursuant to another order of garnishment of personal earnings that Ohio or federal law provides with a higher priority than this order of garnishment of personal earnings (such as a support order or Internal Revenue Service levy)? YES / NO
If the answer to this question is "YES", give the name of the court that issued the higher priority order, the associated case number, the date upon which you received that order, and the balance due to the relevant judgment creditor under that order.
_____.

(C) Did you receive prior to the date that you received this order of garnishment of personal earnings one or more other orders of garnishment of personal earnings that are not described in question 3(B), and are you currently processing one or more of those orders for the statutorily required time period or holding one or more of those orders for processing for a statutorily required period in the sequence of their receipt by you? YES / NO
If the answer to this question is "YES", give the name of the court that issued each of those previously received orders, the associated case numbers, the date upon which you received each of those orders, and the balance due to the relevant judgment creditor under each of those orders. List first the previously received order(s) that you are currently processing, and list each of the other previously received orders in the sequence that you are required to process them.

_____.

I certify that the statements above are true.

(Print name of employer)

(Print name and title of person who completed form on behalf of the employer)

Signed _____

Dated this _____ day of _____, 20_____

NOTICE: No employer shall discharge an employee solely because of the successful garnishment of the employee's personal earnings by only one judgment creditor in any twelve-month period. THIS PAGE MUST BE FILED WITH THE COURT, AND A COPY ALSO PROVIDED TO THE EMPLOYEE.

NOTICE TO JUDGMENT DEBTOR PURSUANT TO OH. REV. CODE § 2716.06
(DELIVERED BY EMPLOYER TO EMPLOYEE)

TO THE JUDGMENT DEBTOR:

CASE NUMBER: _____

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 personal earnings be used in satisfaction of your debt to the judgment creditor instead of being paid to you. This order was issued on the basis of the judgment creditor's judgment against you that was obtained in the following court:

_____ in case no. _____

on _____
(Date)

The law of Ohio provides that you are entitled to keep a certain amount of your personal earnings free from the claims of creditors. Additionally, wages under a certain amount may never be used to satisfy the claims of creditors. The documents entitled "ORDER AND NOTICE OF GARNISHMENT AND ANSWER OF EMPLOYER (GARNISHEE)" that are enclosed with this notice show how the amount proposed to be taken out of your personal earnings was calculated by your employer.

If you dispute the judgment creditor's right to garnish your personal earnings and believe that you are entitled to possession of the personal earnings because they are exempt, or 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, enclosed in this packet, 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 personal earnings 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.** The hearing will be limited to a consideration of the amount of your personal earnings, if any, that can be used in satisfaction of the judgment you owe to the judgment creditor.

If you request a hearing by delivering your request for hearing form no later than the end of the fifth business day after you receive this notice, it will be conducted no later than twelve days after your request is received by the court, and the court will send you notice of the date, time, and place. You may indicate on the form that you believe that the need for the hearing is an emergency and that it should be given priority by the court. If you do so, the court will schedule the hearing as soon as practicable after your request is received and will send you notice of the date, time, and place. If you do not request a hearing by delivering your request for hearing form no later than the end of the fifth business day after you receive this notice, some of your 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. However, be advised that the clerk's office cannot provide you with legal advice. If you want legal representation, you should contact your lawyer immediately. If you need the name of a lawyer, you may wish to contact the lawyer referral service through the local bar association.

TOM ORLANDO, CLERK OF COURT

DATE

BY: _____
DEPUTY CLERK

IN THE COURT OF COMMON PLEAS
LORAIN COUNTY, OHIO

CASE NO: _____

JUDGE _____

INTERIM REPORT AND ANSWER OF GARNISHEE

Now comes _____, the employer (garnishee) in the above case, and answers as follows:

1. The date that the garnishee received the order of garnishment of the judgment debtor's personal earnings was _____.
2. The total probable amount due on the judgment, including court costs, judgment interest, and, if applicable, prejudgment interest, as stated in either section A of the order of garnishment of the judgment debtor's personal earnings or in the affidavit of current balance due on garnishment order if that affidavit has been received subsequent to the order of garnishment, is \$_____.
3. The pay period of the judgment debtor is _____. Do not enter a pay period of more than one month.
(enter weekly, biweekly, semimonthly, monthly)
4. The disposable earnings of the judgment debtor earned during the judgment debtor's present pay period is \$_____. ("Disposable earnings" means earnings after deductions required by law. "Present pay period" means the pay period for which you are completing this INTERIM REPORT AND ANSWER OF GARNISHEE.)
5. The amount equal to twenty-five percent (25%) of the judgment debtor's disposable earnings set forth in section 4 of this form is \$_____.
6. Multiply the current federal minimum hourly wage by thirty if the judgment debtor is paid weekly, by sixty if paid biweekly, by sixty-five if paid semimonthly, or by one hundred thirty if paid monthly and enter: \$_____.
7. The amount by which the amount in section 4 of this form exceeds the amount in section 6 of this form is \$_____.
8. The smallest of either the amount entered in section 5 of this form, the amount entered in section 7 of this form, or the amount entered in section 2 of this form, is \$_____.
9. The amount entered in section 8 of this form, plus or minus (as appropriate) the garnishee's processing fee is \$_____.

I certify that the statements above are true.

(Print name of employer)

(Print name and title of person who completed form on behalf of the employer)

Signed _____

Dated this _____ day of _____, 20_____

IN THE COURT OF COMMON PLEAS
LORAIN COUNTY, OHIO

CASE NO: _____

JUDGE _____

FINAL REPORT AND ANSWER OF GARNISHEE

Now comes _____, the employer (garnishee) in the above case, and answers as follows:

1. The date that the garnishee received the order of garnishment of the judgment debtor's personal earnings was _____.
2. The total probable amount due on the judgment, including court costs, judgment interest, and, if applicable, prejudgment interest, as stated in section A of the order of garnishment of the judgment debtor's personal earnings is \$_____.
3. The total amount that has been withheld from the judgment debtor's personal disposable earnings and paid to the court while the order of garnishment of the judgment debtor's personal earnings remained in effect is \$_____.
4. (When applicable) the total probable amount due on the judgment (as stated in section 2 above) is not equal to the total amount that has been withheld (as stated in section 3 above), and the reason for that difference is that the order of garnishment of the judgment debtor's personal earnings ceased to be in effect for the following statutorily prescribed reason(s) (check whichever apply):
 - a) ___ A municipal or county court appointed a trustee for the judgment debtor and issued an order that stays the order of garnishment of the judgment debtor's personal earnings.
 - b) ___ A federal bankruptcy court issued an order that stays the order of garnishment of the judgment debtor's personal earnings.
 - c) ___ A municipal or county court or a court of common pleas issued another order of garnishment of personal earnings that relates to the judgment debtor and a different judgment creditor, and Ohio or federal law provides the other order a higher priority. (Set forth the name of the court that issued the higher priority order, the associated case number, the date that the higher priority order was received, and the balance due to the relevant judgment creditor under that order.): _____
 - d) ___ A municipal or county court or a court of common pleas issued another order of garnishment of personal earnings that related to the judgment debtor and a different judgment creditor and that is not described in section 4(c) above. (Set forth the name of the court that issued the subsequently received order, the associated case number, the date that the subsequent order was received, and the balance due to the relevant judgment creditor under that order.): _____
 - e) ___ The judgment creditor or judgment creditor's attorney has issued a request that the order of garnishment be terminated and the garnishee released from the mandates of the order of garnishment.
 - f) ___ The judgment debtor's employment terminated on: _____.
 - g) ___ Other: _____.

I certify that the statements above are true.

(Print name of employer)

(Print name and title of person who completed form on behalf of the employer)

Signed _____

Dated this _____ day of _____, 20_____

COURT OF COMMON PLEAS
LORAIN COUNTY, OHIO

_____)
)
) Plaintiff,)
)
) v.)
) JUDGE _____)
)
)
)
)
) AFFIDAVIT OF CURRENT BALANCE
) DUE ON GARNISHMENT AND
) NOTICE TO JUDGMENT DEBTOR
) PURSUANT TO ORC § 2716.031
)
)
)
)
)
) Defendant.)

AFFIDAVIT OF CURRENT BALANCE DUE ON GARNISHMENT

Now comes _____, the Judgment Creditor herein, and avers that on the ____ day of _____, 20____, I received a judgment in the original amount of \$_____, plus interest at the rate of _____% from the ____ day of _____, 20____ in the current amount of \$_____, and court costs assessed to date of \$_____ in the above-referenced case. I further affirm that as of this date, all moneys paid to Judgment Creditor on the judgment total \$_____, leaving a current balance due of \$_____.

The undersigned, having been duly sworn, says that all statements contained in the foregoing affidavit are true to the best of my knowledge and belief.

(Signature of Affiant/Attorney) (Address Line #1 of Judgment Creditor)

(Printed Name of Attorney and Attorney Registration Number) (Address Line #2 of Judgment Creditor)

Sworn to and subscribed in my presence this _____ day of _____, 20_____ by

(Signature of Notary Public)

(Printed Name of Notary Public)

Notary Public, State of _____

My commission expires on: _____

NOTICE TO JUDGMENT DEBTOR PURSUANT TO OH. REV. CODE § 2716.031

TO: _____
(Name of Judgment Debtor)

You are hereby notified that the judgment creditor in this proceeding has issued an affidavit of current balance due on garnishment order in the above-referenced case in the Lorain County Court of Common Pleas. The "Affidavit Of Current Balance Due" on the proceeding page shows the original amount of the judgment that was the basis of the garnishment order, the accrued interest to date, the court costs assessed to date, all moneys paid the judgment creditor and the judgment creditor's attorney on the judgment to date, and the current balance due on the judgment.

If you dispute the judgment creditor's determination of these amounts or if you believe that this affidavit is improper for any other reason, you may request a hearing before this court by disputing the affidavit in the Request for Hearing Form, contained in this packet, and delivering the Request for Hearing Form to this court at the address listed on the Form 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 determination of the amounts shown in the affidavit of current balance due 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 determination, 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.** The hearing will be limited to a consideration of the amount currently due on the judgment you owe to the judgment creditor.

If you request a hearing by delivering your request for hearing not later than the end of the fifth business day after you receive this notice, the court will conduct the hearing no later than twelve days after your request is received by the court, and the court will send you notice of the date, time, and place. You may indicate in the form that you believe that the need for the hearing is an emergency and that it should be given priority by the court. If you do so, the court will schedule the hearing as soon as practicable after your request is received and will send you notice of the date, time, and place. If you do not request a hearing by delivering your request for hearing not later than the end of the fifth business day after you receive this notice, some of your personal earnings will continue to be paid to the judgment creditor until the judgment is satisfied.

If you have any questions concerning this matter, you may contact the office of the clerk of this court. However, be advised that the clerk's office cannot provide you with legal advice. If you want legal representation, you should contact your lawyer immediately. If you need the name of a lawyer, you should contact the lawyer referral service through the local bar association.

(Attorney for Judgment Creditor or Judgment Creditor)

(Date)

COURT OF COMMON PLEAS
LORAIN COUNTY, OHIO

_____)
)
) Plaintiff,)
v.)
)
) JUDGE _____)
)
)
)
) Defendant.)
)
) REQUEST FOR HEARING FORM
) PURSUANT TO ORC § § 2716.031
)

REQUEST FOR HEARING FORM

I dispute the judgment creditor's determination of current balance due on the garnishment order in the above case and request that a hearing in this matter be held no later than twelve days after delivery of this request to the court.

I DO / DO NOT believe that the need for the hearing is an emergency.
(CIRCLE ONE)

I dispute the judgment creditor's determination for the following reason: _____

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

(Printed Name of Judgment Debtor)

(Date)

(Signature of Judgment Debtor)

(Judgment Debtor's Phone #)

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING FORM 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 PERSONAL EARNINGS WILL CONTINUE TO BE PAID TO THE JUDGMENT CREDITOR IN SATISFACTION OF YOUR DEBT TO THE JUDGMENT CREDITOR.

Request for Hearing Form must be delivered to: Lorain County Clerk of Courts, Civil Division, 225 Court St., Elyria, OH 44035.