

**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 PROPERTY OTHER
THAN 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 Property other than Personal Earnings of Judgment Debtor;
- 2) Affidavit of judgment creditor or judgment creditor's attorney pursuant to § 2716.11 (*no form available*) and garnishee's fee pursuant to § 2716.12 (*this should not be included in the deposit for filing*);
- 3) Four copies of Order of Garnishment of Property and Answer of Garnishee (*see NOTE below*);
- 4) Two copies of Notice to the Judgment Debtor;
- 5) Two copies of Request for Hearing form; and
- 6) Clerk Praecipe for Garnishment of Property other than Personal Earnings.

NOTE: One copy directed to the garnishee may include complete, unredacted personal identifiers of the Judgment Debtor. This copy should be clearly marked to distinguish it from the court original and other 3 copies. This copy, if provided, will be issued to the Garnishee and will not be retained in the Court file.

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.

COURT OF COMMON PLEAS
LORAIN COUNTY, OHIO

_____)
)
) Plaintiff,)
)
) v.)
) JUDGE _____)
)
)
)
)
)
)
) Defendant.)
)
) MOTION FOR ORDER OF
) GARNISHMENT OF PROPERTY
) OTHER THAN PERSONAL EARNINGS
) OF JUDGMENT DEBTOR

Now comes Plaintiff, hereinafter referred to as Judgment Creditor, by and through counsel, and hereby respectfully moves the Court for an order of garnishment of property other than personal earnings of Defendant, _____, hereinafter referred to as Judgment Debtor. _____ is named as the Garnishee herein. Judgment Creditor is entitled to the requested order in that Judgment Creditor has obtained a judgment against the Judgment Debtor, and Garnishee is believed to hold money, property, or credits, other than personal earnings of the Judgment Debtor that are not exempt from execution.

Respectfully submitted,

(Attorney for Judgment Creditor and Attorney Registration No.)

(Firm Name and/or Address)

(Address Line #2)

(Telephone)

(Fax and/or E-mail Address)

COURT OF COMMON PLEAS
LORAIN COUNTY, OHIO

Plaintiff,
v.

Defendant.

CASE NO. _____

JUDGE _____

COURT ORDER AND NOTICE OF
GARNISHMENT (ORC § 2716.13)
AND ANSWER OF GARNISHEE

SECTION A: 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: _____, 20____. 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 _____, 20_____.

IT IS SO ORDERED.

(Date)

JUDGE

VOL: _____ PAGE: _____

IN THE COURT OF COMMON PLEAS
LORAIN COUNTY, OHIO

CASE NO: _____

JUDGE _____

SECTION B: ANSWER OF GARNISHEE

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. That 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 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 on behalf of the garnishee)

Signed _____

Dated this _____ day of _____, 20_____

NOTICE TO JUDGMENT DEBTOR PURSUANT TO OH. REV. CODE § 2716.13

TO THE JUDGMENT DEBTOR: CASE NO.: _____

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 may now 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 the following

court: _____ in case no. _____

on _____. Upon your receipt of this notice, you are prohibited from removing or
(Date)

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 financial assistance administered by the Ohio Department of Job and Family Services;
- (6) Social security benefits;
- (7) Supplemental security income (SSI);
- (8) Veteran's benefits;
- (9) Black lung benefits;
- (10) Certain pensions.

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 form, accompanied hereto, 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 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:

courtroom no. _____ in the Lorain County Justice Center at _____ o'clock ____m.
on _____, 20_____.

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 or time of the hearing. If you do not request a hearing by delivering your request for a 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. 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.

TOM ORLANDO, CLERK OF COURT

(Date)

BY: _____
DEPUTY CLERK

