

STEPS TO FILE A GARNISHMENT OF OTHER THAN WAGES EXECUTION UPON A BANK ACCOUNT

If you know that the debtor has a checking or savings account at a bank, credit union or other financial institution, you may ask the Court to attach funds that are in the account. Bank account attachments may be obtained upon any bank in Ohio through this court. If the bank is located outside of the City of Columbus or Franklin County, be sure to ask the Clerk of Courts to mail the Attachment to the bank by certified mail.

Step One: Determine the Name of the Judgment Debtor's Bank

You may have this information already. If the judgment debtor ever issued you a check in the course of your dealings, you may recall the name of the debtor's bank. Or, if you have ever issued a check to the debtor, you might inspect the back of the check to determine whether it may have been deposited in the debtor's bank account.

If possible, try to find out the account number or the last 4 numbers of their social security number. It is helpful to the bank, although usually not essential, in identifying the correct account.

Step Two: File the Garnishment with the Clerk of Courts

Next, obtain the forms required (See "Instructions for Filing a Garnishment") to file a Garnishment from the Clerk of Courts office on the 3rd floor or at www.fmcclerk.com. Complete all forms (remember-you must sign the affidavit under oath either before the deputy clerk in the Clerk's office or before a Notary Public) and file with the Civil Division on the 3rd floor together with,

- a check or money order for \$1.00 payable to the bank (by law, the bank is entitled to this amount to process the affidavit; however, this dollar is *not* recoverable as court costs), and
- a fee of \$40.00 payable to "Franklin County Municipal Court"

The garnishment order will be hand delivered by the court's service bailiff (in the City of Columbus or in Franklin County) or served by certified mail (out of the City of Columbus or Franklin County) to the bank. You may call the Clerk of Courts office at 614/645-7220 to check the information supplied in the bank's garnishment return or go to www.fmcclerk.com to view the garnishment return on the Docket. If the attachment is successful, the Accounting/Finance Division will send your money to you in two to three weeks.

If the debtor challenges the validity of the garnishment, a hearing will be scheduled and all parties will be notified of the location, date and time of the hearing.

You may file again if you do not receive all of the money due on the first attachment.

FRANKLIN COUNTY MUNICIPAL COURT **CASE NO:** _____

INSTRUCTIONS FOR SERVICE OF GARNISHMENT

To: Clerk, Franklin County Municipal Court, please issue garnishment for:

Bailiff Service
In Franklin County

Certified Mail

To Server, you are instructed to serve the following garnishee(s) and at the address(s) listed below:

Special instructions for server:

DATE: _____

(Signed) _____
Signature of Requesting Party

OTW

(JUDGMENT CREDITOR)

vs.

CASE NO: _____

THIS COMMUNICATION IS FROM A DEBT COLLECTOR

SSN LAST FOUR DIGITS (OPTIONAL): _____
(JUDGMENT DEBTOR)

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 there is a reasonable basis to believe, that the garnishee named in section A may have property, other than personal earnings, of the judgment debtor that is not exempt under the laws of this state or the United States. A description of said property/ bank account information _____

FURTHER AFFIANT SAYETH NOT.

SIGNATURE: JUDGMENT CREDITOR/ATTORNEY (SIGNATURE ON ORIGINAL ONLY)

SWORN TO & SUBSCRIBED BEFORE ME ON _____

NOTARY PUBLIC (SIGNATURE ON ORIGINAL ONLY)

SECTION A: COURT ORDER AND NOTICE OF GARNISHMENT

TO: _____ GARNISHEE.
(PRINT BANK/GARNISHEE'S COMPLETE NAME AND ADDRESS)

The judgment creditor in the above case has filed an affidavit, satisfactory to the undersigned, in this 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, and that some of the money, property, or credits may not be exempt from garnishment under the laws of the State of Ohio or the laws of the United States.

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 end of the fifth business day after your receipt of this "COURT ORDER AND NOTICE 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 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 & seal of this Court this _____ (Date)

JUDGE FRANKLIN COUNTY MUNICIPAL COURT

Judgment Creditor/Attorney ATTY I.D.

Address DEPUTY CLERK

City, State, Zip Code Phone Number

SECTION B: ANSWER OF GARNISHEE

Now comes _____, the garnishee, who says:

1. That the garnishee has more than \$500 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 \$500)

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 that 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: _____ Dated _____
(Signature of Person Completing Form)

THE STATE OF OHIO
FRANKLIN COUNTY

THE FOLLOWING FOR COURT USE ONLY
FOR BAILIFF OR SHERIFF RETURN

I CERTIFY THIS TO BE A TRUE COPY OF THE ORIGINAL ORDER WITH ALL ENDORSEMENTS THEREON. PURSUANT TO THE WITHIN COMMAND, I SERVED THE WITHIN AFFIDAVIT AND ORDER OF GARNISHMENT OF PROPERTY OTHER THAN PERSONAL EARNINGS UPON THE WITHIN NAMED GARNISHEE BY LEAVING THREE (3) TRUE AND CERTIFIED COPIES THEREOF, WITH ALL ENDORSEMENTS THEREON.

AT _____ .M., ON _____ WITH _____
IN CHARGE THEREOF. \$1.00 FEE PAID.

I WAS UNABLE TO MAKE SERVICE BECAUSE _____

CHIEF BAILIFF, BY: _____

Deputy Bailiff

**FRANKLIN COUNTY MUNICIPAL COURT
375 SOUTH HIGH STREET, 3RD FLOOR COLUMBUS, OHIO 43215-4520**

_____, Judgment Creditor

Vs.

Case Number: _____

_____, Judgment Debtor (COMPLETE ADDRESS)

WARNING!!

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 CLERK'S OFFICE AT THE ABOVE ADDRESS OR CALL (614) 645-7222.

YOU ARE HEREBY NOTIFIED that this court has issued an order in the above case in favor of the above -named judgment creditor(s), directing that some of your money, in excess of \$500, property, or credits, other than personal earnings, now 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 this Court in the above-referenced case on _____.

UPON YOU RECEIPT OF THIS NOTICE, YOU ARE PROHIBITED FROM REMOVING OR ATTEMPTING TO REMOVE SUCH 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:

- | | | |
|--|--|-------------------------|
| (1) Workers' compensation benefits | (4) Disability assistance administered by the Ohio Dept of Job and Family Services | (7) Veterans' benefits |
| (2) Unemployment compensation payments | (5) Social security benefits | (8) Black lung benefits |
| (3) Cash assistance payments under the Ohio works first program. | (6) Supplemental Security Income (SSI) | (9) 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 FORM", appearing on the reverse, or in a substantially similar form, and delivering your "REQUEST FOR HEARING" to this Court at the above address, at the office of the Clerk, NO LATER THAN CLOSE OF BUSINESS ON 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" AS INDICATED ABOVE, THE HEARING WILL BE CONDUCTED WITHIN SEVEN BUSINESS DAYS OF THE FILING OF YOUR "REQUEST FOR HEARING". YOU WILL BE NOTIFIED OF THE EXACT PLACE AND TIME. You may request the Court to conduct the hearing on an emergency basis by indicating your request in the space provided on the form; the Court then will set your hearing as soon as possible. IF YOU DO NOT REQUEST A HEARING BY DELIVERING YOUR "REQUEST FOR HEARING" TO THE CLERK'S OFFICE 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. If you want legal representation, you should contact your lawyer immediately. If you need the name of a lawyer, contact the local bar association.

_____, Date: _____, Deputy Clerk

**FRANKLIN COUNTY MUNICIPAL COURT
375 SOUTH HIGH STREET, 3RD FLOOR COLUMBUS, OHIO 43215-4520**

REQUEST FOR HEARING ON GARNISHMENT OF PROPERTY OTHER THAN PERSONAL EARNINGS

JUDGMENT CREDITOR(S), name and address

AGAINST

VS.

CASE NUMBER: _____

This number must be used on all references

JUDGMENT DEBTOR, name and address

**REQUEST FOR HEARING
ON GARNISHMENT OF PROPERTY OTHER THAN PERSONAL EARNINGS**

I DISPUTE THE INDICATED JUDGMENT CREDITOR'S RIGHT TO GARNISH MY MONEY, PROPERTY, OR CREDITS OTHER THAN PERSONAL EARNINGS, IN THE ABOVE CASE AND REQUEST THAT A HEARING IN THIS MATTER BE HELD AS SET FORTH IN THE DOCUMENT ENTITLED "NOTICE TO THE JUDGMENT DEBTOR OF GARNISHMENT OF PROPERTY OTHER THAN PERSONAL EARNINGS" THAT I RECEIVED WITH THIS REQUEST FORM.

I _____ FEEL THAT THE NEED FOR THE HEARING IS AN EMERGENCY.
(Insert "DO" or "DO NOT")

I DISPUTE THE JUDGMENT CREDITOR'S RIGHT TO GARNISH MY PROPERTY FOR THE FOLLOWING REASONS (OPTIONAL): _____

I understand that no objections to the judgment itself will be heard at this hearing.

(Name of Judgment Debtor - Type or Print)

(Signature of Judgment Debtor)

(Street Address)

(Date)

(City, State, Zip)

(Day time phone number)

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 THE GARNISHEE WILL BE PAID TO THE JUDGMENT CREDITOR TO SATISFY SOME OF YOUR DEBT TO THEM.