Print Form

NOTICE OF COURT PROCEEDING TO COLLECT DEBT

Date of mailing or date of service by the court _____

To: _____
(Name of Judgment Debtor)

_____
(Last known residence address of Judgment Debtor)

You owe the undersigned _____
$_____, including interest and court costs, for which a judgment was obtained against you or certified in the Tiffin-Fostoria Municipal Court on _____, payment of which is hereby demanded.

If you do not do one of the three things listed below within fifteen (15) days of the date of the mailing of this notice or of its service by the court, we will go to court, unless we are otherwise precluded by law from doing so, and ask that your employer by ordered to withhold money from your earnings until the judgment is paid in full or, if applicable, is paid to a certain extent and to pay the withheld money to the court in satisfaction of your debt. This is called garnishment of personal earnings.

It is to your advantage to avoid garnishment of personal earnings because the placing of the extra burden on your employer possible could cause you to lose your job.

YOU CAN AVOID THE GARNISHMENT BY DOING ONE OF THESE THREE THINGS WITHIN THE FIFTEEN (15) DAY PERIOD.

(1) Pay to us the amount due;

(2) Complete the attached form entitled "Payment to Avoid Garnishment" and return it to us with the payment, if any, shown due on it; or

(3) Apply to your local municipal or county court or, if you are not a resident of Ohio, to the municipal or county court in whose jurisdiction your place of employment is located, for the appointment of a trustee to receive the part of your earnings that is not exempt from garnishment, and notify us that you have applied for the appointment of a trustee. You will be required to list your creditors, the amounts of their claims, and the amounts due on their claims, and the amount you then will pay to your trustee each payday will be divided among them until the debts are paid off. This can be to your advantage because in the meantime none of those creditors can garnish your wages.

You also may contact a budget and debt counseling service described in division (D) of section 2716.03 of the Revised Code for the purpose of entering into an agreement for debt scheduling. There may not be enough time to set up an agreement for debt scheduling in order to avoid a garnishment of your wages based upon this demand for payment, but entering into an agreement for debt scheduling might protect you from future garnishments of your wages. Under an agreement for debt scheduling, you will have to regularly pay a portion of your income to the service until the debts subject to agreement are paid off. This portion of your income will be paid by the service to your creditors who are owed debts subject to the agreement. This can be to your advantage because these creditors cannot garnish your wages while you make your payments to the service on time.

_____
(Name of Judgment Creditor)

_____
(Signature of Judgment Creditor or
Judgment Creditor's Attorney)

_____

_____
(Address of Judgment Creditor)

PAYMENT TO AVOID GARNISHMENT

To: _____
(Name of Judgment Creditor)

_____

_____
(Address of Judgment Creditor)

To avoid the garnishment of personal earnings of which you have given me notice, I enclose $_____ to apply toward my indebtedness to you. The amount of the payment was computed as follows:

1. Total amount of indebtedness demanded: 1. $_____
2. Enter the amount of your personal earnings, after deductions required by law, earned by you during the current pay period (that is, the pay period in which this demand is received by you): 2. $_____
3. (A) Enter your pay period (weekly, biweekly, semimonthly, monthly): 3. (A) _____
3. (B) Enter the date when your present pay period ends: 3. (B) _____
4. Enter an amount equal to 25% of the amount on line 2: 4. $_____
5. (A) The current federal minimum hourly wage is $_____ . (You should use the above figure to complete this portion of the form.) If you are paid weekly, enter thirty (30) times the current federal minimum hourly wage; if paid biweekly, enter sixty (60) times the current federal minimum hourly wage; if paid semimonthly, enter sixty-five (65) times the current federal minimum hourly wage; if paid monthly, enter one hundred thirty (130) times the current federal minimum hourly wage. 5. (A) $_____
5. (B) Enter the amount by which the amount on line 2 exceeds the amount on line 5. (B) $_____
6. Enter the smallest of the amounts on the lines 1, 4, or 5 (B). Send this amount to the judgment creditor along with this form after you have signed it: 6. $_____

I certify that the statements contained above are true to the best of my knowledge and belief.

_____
(Signature of Judgment Debtor)

_____
_____
_____
(Print Name & Residence Address of Judgment Debtor)

(To verify that the amount shown on line 2 is a true statement of your earnings, you must either have your employer certify below that the amount shown on line 2 is a true statement of your earnings or you may submit copies of your pay stubs for the two (2) pay periods immediately prior to your receiving this notice.)

I certify that the amount shown on line 2 is a true statement of the judgment debtor's earnings.

_____
(Print Name of Employer)

_____
(Signature of Employer or Agent)

I certify that I have attached copies of my pay stubs for the two (2) pay periods immediately prior to my receiving this notice.

_____
(Signature of Judgment Debtor)

IN THE TIFFIN-FOSTORIA MUNICIPAL COURT

_____	)	
Plaintiff	)	Case No._____
	)	
Vs.	)	AFFIDAVIT FOR GARNISHMENT
	)	OF PERSONAL EARNINGS
_____	)	
Defendant	)	

The Judgment creditor swears that:

1. The name of the judgment debtor whose personal earnings I seek to garnish is

_____
(Name & Address of Debtor)

2. I have good reason to believe and I do believe that

_____
(Name & Address of Employer)

is an employer of the judgment debtor who has personal earnings of the judgment debtor that are not exempt under section 2329.66 of the Revised Code.

3. The demand in writing as required by section 2716.02 of the Revised Code has been made and was served by ordinary mail (cross out if not true).

4. The payment demanded in the notice required by section 2716.02 of the Revised Code has not been made and a sufficient portion of the payment demanded has not been made to prevent the garnishment of personal earnings as described in section 2716.02 of the Revised Code.

5. I have no knowledge of any application by the judgment debtor for the appointment of a trustee so as to preclude the garnishment of the judgment debtor's personal earnings.

6. I have no knowledge that the debt to which this affidavit pertains is the subject of a debt scheduling agreement of a nature that precludes the garnishment of personal earnings of the judgment debtor under section 2716.03(B) of the Revised Code.

_____
JUDGMENT CREDITOR OR ATTORNEY

State of Ohio)
County of Seneca,) ss:
Hancock or Wood)

Sworn to in my presence by _____
on _____.

_____
Notary Public, Deputy Clerk, Clerk

Judgment Amount: _____
Interest Rate: _____
Court Costs: _____
Total Probable Amount Due: _____
Judgment Date: _____

Garnishment Information

If you know where the judgment debtor is employed, you may garnish his or her non-exempt wages. Once the garnishment order takes effect, the garnishment will remain in effect until the amount of the judgment is paid, or for at least six months, or until debtor's employment is terminated. The debtor's employer makes regular deductions from the debtor's wages each pay period and sends the non-exempt portion (up to 25%) to the clerk of courts. The court will issue a check to the plaintiff/person filing the garnishment, checks are issued once a month.

If another creditor has a pending garnishment order against the same debtor when you file, you may be required to wait up to six months for your garnishment order to begin. If there are two creditors ahead of you, the wait may be longer. If another creditor files a garnishment order while yours is in effect, your garnishment will remain in effect for at least six months ahead of all others.

Steps for a Garnishment

THE COURT WILL NOT/CANNOT TELL YOU HOW TO COMPLETE THE FORMS.
Clerk will not issue incomplete or illegible forms
IT IS NOT ETHICAL NOR PERMISSABLE TO ASK A CLERK TO HELP FILL OUT ANY FORMS.

In the packet the forms provided are the 15 day notice, aka: *"Notice of Court Proceeding to Collect Debt" and "Payment to Avoid Garnishment"*, and the Affidavit for Garnishment of Personal Earnings form.
Complete the Notice of Court Proceeding to Collect Debt with the Payment to Avoid Garnishment form and mail one copy of these forms to the judgment debtor at his or her last known address by ordinary U.S. mail evidenced with a Certificate of Mailing.

Once you have completed the forms, keep the original and mail a copy to the defendant.
You will need the originals and the certificate of mailing form to file with the court.

After you mail those forms to the defendant, **you must wait at least 15 days but more than 45 days,** from the date of mailing, before filing the garnishment order.

To file the garnishment, you must have the original "Notice of Court Proceeding to Collect Debt" and "Payment for Avoid Garnishment" that you filled out and issued to the defendant WITH the certificate of mailing. You must have the Affidavit For Garnishment of Personal Earnings Form, completed. You will be filing a total of 4 pages.

****Filing fee's for garnishment:** Please call our office for updated filing fee costs, or check our website: tiffinfostoriamunicipalcourt.org – Small Claims > Filing Fees

Amount to be garnished $499 or less
Amount to be garnished between $500 - $2999
Amount to be garnished $3000 & above