# NOTICE OF COURT PROCEEDINGS TO COLLECT DEBT

To: _____ Date of Mailing: _____
(Name of Judgment Debtor) (or date of service by the court)

_____ Case No.: _____CV____-_____
(Last known residence address of the judgment debtor)

_____ **CLEVELAND MUNICIPAL COURT**
City State Zip Code

You owe the undersigned _____ (Judgment Creditor) $ _____ (Amount) including interest and court costs, for which a judgment was obtained against you or certified in the Cleveland Municipal Court on _____ (Judgment Entry Date), payment of which is hereby demanded.

If you do not do one of the three things listed below within **fifteen 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 be 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 possibly could cause you to lose your job.

***YOU CAN AVOID THE GARNISHMENT BY DOING ONE OF THESE THREE THINGS WITHIN THE FIFTEEN-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 Ohio 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 the 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.**

_____ X_____
Name of Judgment Creditor (please print) Signature of Judgment Creditor or Attorney

_____ _____
Address of Judgment Creditor or Attorney City State Zip Code

Judgment Creditor is required to serve Judgment Debtor with this notice prior to filing a garnishment. Judgment Debtor has 15 days to respond to the Statutory Demand and submit payment in order to avoid garnishment of his/her personal earnings. The Court will not accept any garnishment filing without proof of mailing the Statutory Demand.

# Payment to Avoid Garnishment

To: _____
(Name of Judgment Creditor)

_____ Case No.: _____CV_____-_____
(Address of Judgment Creditor)

_____ **CLEVELAND MUNICIPAL COURT**
City State Zip Code

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, bi-weekly, semi-monthly, 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 $_____ (to be filled in by Judgment Creditor). (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 bi-weekly 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 online (2) exceeds the amount on line 5(A): 5(B). $_____

6. Enter the smallest of the amounts on 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.**

X_____
Signature of Judgment Debtor

_____ _____
Print Name and Residence Address of Judgment Debtor City State Zip Code

(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 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:**

_____ _____
Name of Person Certifying this Document Print Name of Employee

_____ _____
Title of person Certifying this Document Address of Employer or Agent

_____ _____ **X**_____
City State Zip Code Phone number with area code Signature of employer or Agent

**I CERTIFY THAT I HAVE ATTACHED COPIES OF MY PAY STUBS FOR THE TWO PAY PERIODS IMMEDIATELY PRIOR TO MY RECEIVING THIS NOTICE.**

**X**_____
Signature of Judgment Debtor