ORDER AND NOTICE OF GARNISHMENT
AND ANSWER OF EMPLOYER—SECTION

CLEVELAND MUNICIPAL COURT
1200 ONTARIO STREET
CLEVELAND, OH 44113
ATTN: CLERK OF COURTS–GARNISHMENT DEPT
PHONE: (216) 664-4859

A

CASE NO. ____ CV _____ - _____

The State of Ohio _____ vs. _____
Judgment Creditor Judgment Debtor

County of Cuyahoga SS._____
I.D. for Judgment Debtor

Judgment Creditor or Attorney for Judgment Creditor:

Name: _____

Address: _____

City, State & Zip Code: _____

Telephone: _____

E-mail: _____

Before me, the undersigned **Notary Public** or Deputy Clerk of Cleveland Municipal Court, personally appeared, _____ who being first duly sworn according to law, says that he is the JUDGMENT CREDITOR OR ATTORNEY for JUDGMENT CREDITOR herein and that said judgment creditor heretofore, to-wit, on _____(date) duly recovered judgment before the Cleveland Municipal Court against said judgment debtor which remains unsatisfied.

AMOUNT OF **JUDGMENT**	$ _____
Including **INTEREST TO DATE** (Interest rate= ____%)	+ $ _____
Plus UNPAID COURT COSTS TO DATE (including the cost of this proceeding)	+ $ _____
Minus **AMOUNT RECEIVED** on Judgment	- $ _____
AMOUNT NOW DUE	= $ _____

The affiant has good reason to believe and does believe that the Garnishee named in Section A of this form is an employer of the judgment debtor who has personal earnings of the judgment debtor that are not exempt under R.C. § 2329.66; and that a true copy of the Demand required by R.C. § 2716.02 has been made and a true copy of said Demand which was made is attached hereto; the payment demanded in said Demand has not been made, nor has a sufficient portion been made to prevent the garnishment of personal earnings as described in R.C. § 2716.02. The affiant has 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 and has no knowledge that the debt to which this affidavit pertains is the subject of a debt scheduling agreement of such a nature that it precludes the garnishment of the personal earnings of the judgment debtor under R.C. § 2716.03(B).

Sworn to and subscribed before me _____ _____
(date) Affiant's Signature

_____
Notary Public or Deputy Clerk

SECTION A: COURT ORDER AND NOTICE OF GARNISHMENT TO: GARNISHEE

Name: _____

Address: _____

City, State & Zip Code: _____

The judgment creditor in the above case has filed an affidavit, satisfactory to the undersigned, in this court stating that you may owe the judgment debtor money for personal earnings.

You are therefore ordered to complete the "**ANSWER OF EMPLOYER (GARNISHEE)**" in Section **B** of the attached form. **Return one COMPLETED and SIGNED copy of this form to the clerk of this court** within **five (5) business days** after you receive this order of garnishment together with the amount determined in accordance with the "**ANSWER OF EMPLOYER (GARNISHEE)**". Deliver one completed and signed copy of this form and the accompanying documents entitled "**NOTICE TO THE JUDGMENT DEBTOR**" and "**REQUEST FOR HEARING**" to the judgment debtor. Keep the other completed and signed copy of the 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 $_____).

This order of garnishment of personal earnings is a **CONTINUOUS ORDER** that generally requires you to withhold a specified amount, calculated each pay period at the statutory percentage, of the judgment debtor's personal disposable earnings during each pay period, as determined in accordance with the **"INTERIM REPORT AND ANSWER OF GARNISHEE,"** from the judgment debtor's personal disposable earnings during each pay period of the judgment debtor commencing with the first full pay period beginning after you receive the order until the judgment in favor of the judgment creditor and the associated court costs, judgment interest, and, if applicable, prejudgment interest awarded to the judgment creditor as described above have been paid in full. **You generally must pay that specified amount, calculated each pay period at the statutory percentage, to the clerk of this court within thirty (30) days after the end of each pay period** of the judgment debtor and must include with that specified amount calculated each pay period at the statutory percentage an **"INTERIM REPORT AND ANSWER OF GARNISHEE"** substantially in the form set forth in R.C. 2716.07. A copy of the "INTERIM REPORT AND ANSWER OF GARNISHEE" is attached to this order of garnishment of personal earnings, and you may **photocopy it to use each time you pay the specified amount to the clerk of this court.**

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 from the judgment debtor's personal earnings during each pay period of the judgment debtor following your receipt of the order.

(2) The judgment creditor files with this court a written notice that the total probable amount due on the judgment as described above has been satisfied.

(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 issues 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.

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 R.C. § 2716.08. 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 one hundred eighty-two (182) days after you began processing it.

Special stacking, priority of payment, and manner of payment rules apply when a garnishee receives multiple orders or garnishment with respect to the same judgment debtor. These rules are set forth in R.C. § 2716.041. You should become familiar with these rules.

Witness my hand and the seal of this court on this date of: _____

_____
Judge, Cleveland Municipal Court