

NOTICE OF COURT PROCEEDING TO COLLECT DEBT

(15 day notice of garnishment)

This letter is to be sent out before you can garnish someone's wages. It is to be completed by the person wishing to garnish another's wages to the person they wish to be garnished. **THE COURT WILL NOT/CANNOT TELL YOU HOW TO COMPLETE THIS FORM.** Once you have completed the form, keep a copy of it to file with the court at a later date.

NOTICE OF COURT PROCEEDING TO COLLECT DEBT

(O.R.C. 2716.02)

Date of Mailing or Date of Service by the Court _____, 20_____

To: _____
Name of Judgment Debtor

Last Known Residence Address of Judgment Debtor

You owe the undersigned _____
Name of Judgment Creditor

\$ _____, including interest and court costs, for which a judgment was obtained against you or certified in the _____ Court on _____, 20_____, 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 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 may also 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 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.

Name of Judgment Creditor

Signature of Judgment Creditor or Creditor's Attorney

Address of Judgment Creditor

Note: Ohio Revised Code §2716.02 provides that the above demand shall be made after judgment is obtained, at least 15 days and not more than 45 days before the order is sought, by delivering it to the judgment debtor by personal service by the Court, by sending it to the judgment debtor by certified mail, return receipt requested, or by sending it to the judgment debtor by regular mail, which shall be evidenced by a properly completed and stamped certificate of mailing by regular mail, addressed to the judgment debtor's last know place of residence.

County _____

County, Ohio

vs. Plaintiff _____

Defendant _____

STATUTORY DEMAND FOR PAYMENT OF DEBT AND NOTICE OF PENDENCY OF GARNISHMENT PROCEEDINGS

This demand served in writing on the within named _____
¹by delivering it to him _____ by personal service on the _____ day of _____ 20____
by the court at his usual place of residence.
²by sending it by registered or certified letter to his usual place of residence on the _____ day of _____ 20____
of _____
³(return receipt requested)
⁴by sending it by regular mail on the _____ day of _____ 20____

(Signature)

(Title)

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 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): (3A) _____
- 3(B) Enter the date when your present pay period ends: (3B) _____
- 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 times the current federal minimum hourly wage; if paid bi-weekly, enter sixty times the current federal minimum hourly wage; if paid semi-monthly, enter sixty-five times the current federal minimum hourly wage; if paid monthly, enter one hundred thirty times the current federal minimum hourly wage: (5A) \$ _____
- (B) Enter the amount by which the amount on line 2 exceeds the amount on line 5(A): (5B) \$ _____
- 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.

(Signature of Judgment Debtor) _____
(Print Name and 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 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 pay periods immediately prior to my receiving this notice.

(Signature of Judgment Debtor)