

BANK ATTACHMENT

If you know where the debtor has a checking or savings account, you may ask the Court to attach funds that are in that account. Bank account attachments may be obtained upon any bank in Ohio through this court.

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. 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 into 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 Bank Attachment with the Clerk of Courts

Next, complete the forms in this packet. **PLEASE NOTE:** You must sign the *Affidavit, Order and Notice of Garnishment of Property Other Than Personal Earnings and Answer of Garnishee* under oath before a Notary Public. Then bring:

- The completed bank attachment packet
- A check or money order for \$1.00 made payable to the bank. This \$1.00 is not recoverable as a court cost.
- A check for \$30.00 payable to Wadsworth Municipal Court

The Garnishment Order will be served by Certified Mail upon the debtor's bank. You may call the Clerk of Courts office at 330-335-1596 to check the information supplied or go to www.wadsworthmunicipalcourt.com to view the status on the docket. Copies of any documents received will be sent to you upon receipt.

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

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

SECTION B. ANSWER OF GARNISHEE

(Answer All Pertinent Questions)

Now comes _____ the garnishee herein who says:

1. That the Garnishee has more than \$425.00 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 (amount over \$425.00) _____

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 the 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 _____
(Signature of Person Completing Form)
(Sign all copies)

Copy delivered to Judgment Debtor this _____ day of _____, _____

SECTION A SHALL BE FILLED IN BEFORE SERVICE. SECTION B SHALL BE FILLED IN BY THE GARNISHEE AND THE ORIGINAL FILED WITH THE COURT AS HIS ANSWER. THE GARNISHEE MAY KEEP ONE COMPLETED COPY AND SHALL DELIVER THE OTHER COMPLETED TO THE JUDGMENT DEBTOR.

TO: SHERIFF, CONSTABLE, BAILIFF

You are hereby directed to serve three (3) copies of this order of Garnishment of property other than personal earnings, together with the Garnishee's fee as provided for in O.R.C. 2716.12 with a written notice that the Garnishee answer as provided in O.R.C. 2716.21 on the Garnishee named herein.

Clerk - Deputy Clerk

RETURN OF SERVICE

On the _____ day of _____, _____

I served this writ on the within named by

personal service

other (O.R.C. 2716.21) _____

Received _____, _____

FEES

(Sheriff - Bailiff - Constable)

Service and return _____

Returned and filed _____, _____

Mileage _____

I certify this to be a true copy of the original Order and Notice with all indorsements thereon.

(Sheriff - Bailiff - Constable)

By _____

Deputy

**NOTICE TO THE JUDGMENT DEBTOR ^{1, 2}
of Garnishment of Property other than Personal Earnings**

	:	Wadsworth Municipal Court
	:	
Judgment Creditor	:	Wadsworth, Ohio
	:	
vs.	:	
	:	
	:	Case No.
	:	
Judgment Debtor	:	

You are hereby notified that this Court has issued an order in the above case in favor of _____,³ the Judgment Creditor in this proceeding, directing that some of your money, property, or credits, other than personal earnings, now in the possession of _____,⁴ 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 **Wadsworth Municipal Court** Case No. _____ on _____. Upon your 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; | (5) Social security benefits; | (9) Certain pensions; |
| (2) Unemployment compensation benefits; | (6) Supplemental security income (SSI); | (10) Disability assistance |
| (3) Aid to dependent children (ADC); | (7) Veterans' benefits; | Administered by the Ohio |
| (4) Poor relief or general relief (GR); | (8) Black lung benefits; | Department of Human Services |

Additionally, wages under a certain amount may not be taken to pay the debt. 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 indicated 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 at the above address, at the office of the Clerk of this Court no later than the end of 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 but 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, and 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. 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 indicated garnishee, if any, that can be used to satisfy all or part of the judgment you owe to the Judgment Creditor. No objections to the judgment itself will be heard or considered at any such hearing. If you request a hearing by delivering your request for hearing no later than the end of the fifth business day after you receive this notice, it will be conducted in

Wadsworth Municipal Court, 120 Maple Street, Wadsworth, OH 44281 ⁸

at _____ M. on _____, 20____. You may request the Court to conduct the hearing before this date by indicating your request in the space provided on the form; the Court then will send you notice of any change in the date, time, or place of the hearing. If you do not request a hearing by delivering your request for hearing 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.

Clerk of the Court

Date

THIS FORM MUST BE SUBMITTED IN DUPLICATE
(OVER)

REQUEST FOR HEARING⁹
(Money - Property - Credit)
ORC 2716.13

Wadsworth Municipal Court
120 Maple Street
Wadsworth, OH 44281

Case No. _____, 20____

I dispute the 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 _____ (insert "on" "or" "earlier than") the date and time set forth in the document entitled "**Notice to the Judgment Debtor**" that I received with this request form.

I dispute the Judgment Creditor's right to garnish my property for the following reasons: (optional)

Name of Judgment Debtor

Signature

Date

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 _____

WILL BE PAID TO _____¹⁰
TO SATISFY SOME OF YOUR DEBT.

- 1 File two copies of this notice which the court is required to serve on the Judgment Debtor. ORC §2716.13(C)(1).
- 2 Service by regular mail unless otherwise request. ORC § 2176.13(C)(1). Must be served not less than seven days before hearing date. ORC § 2176.13(C)(1).
- 3 Name and address of Judgment Creditor
- 4 Name and address of Garnishee
- 5 Name of Court
- 6 Case Number
- 7 Date
- 8 Address of Court
- 9 A postage paid envelope addressed to the Court must be attached
- 10 Garnishee's name
- 11 Judgment Creditor's name

NOTE: Some courts may themselves provide some of the required forms