

WAGE GARNISHMENT

If you know where the debtor is employed, you can garnish his/her non-exempt wages. Garnishments may be filed through this court if the debtor's employer is located in Ohio.

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. The debtor's employer makes regular deductions from the debtor's wages and sends the non-exempt portion (up to 25%) to the Clerk of Courts. The Clerk will then send a monthly payment to you of the amount accumulated on the third Thursday of each month.

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

STEP ONE: Mail the Judgment Debtor a "Fifteen Day Demand"

Complete the attached "*Notice of Court Proceeding to Collect Debt*" which is known as the Fifteen Day Demand. Mail this form to the Judgment Debtor via Certificate of Mailing from the US Post Office. This is a receipt you will get from the postal clerk. The cost is approximately \$1.95. This is not the same as *certified mail*. The certificate of mailing cost is not recoverable as a court cost.

Keep the Certificate of Mailing with a copy of the Fifteen Day Demand as you will need to provide both to the Clerk of Courts when you file your garnishment documents.

STEP TWO: Waiting Period

After mailing the Fifteen Day Demand, wait at least 15 days but not more than 45 days before filing the attached garnishment paperwork with the Wadsworth Municipal Court.

STEP THREE: File the Garnishment with the Clerk of Courts

Next, complete all the remaining forms in this packet. **PLEASE NOTE:** You must sign the "*Affidavit, Order and Notice of Garnishment and Answer of Employer*" under oath before a Notary Public.

Then bring:

- The completed garnishment packet
- A copy of the Fifteen Day Demand
- A copy of the Certificate of Mailing
- A check for \$95.00 payable to Wadsworth Municipal Court

The Garnishment Order will be served by Certified Mail upon the debtor's employer. The employer will have 15 days to answer the order by revealing if the debtor is in its employ and, if so, payroll information. 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.