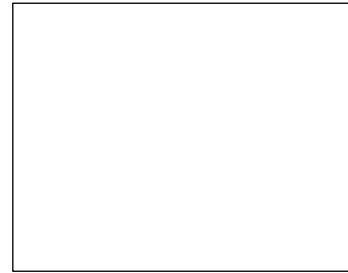


Lyndhurst Municipal Court



**AFFIDAVIT
MONEY, PROPERTY, OR CREDITS**

Case No. _____

The State of Ohio
County of Cuyahoga, ss

Judgment Creditor

vs.

Judgment Debtor

Before me, the undersigned Notary Public or Deputy Clerk of the Lyndhurst Municipal Court, personally appeared _____ who, being duly sworn according to law, says that they are the judgment creditor or attorney for the judgment creditor herein and that said judgment creditor heretofore, to-wit, on _____ (date) duly recovered or transferred a judgment to the Lyndhurst Municipal Court against judgment debtor which remains unsatisfied.

The garnishee named in Section A may have in the garnishee's hands or control MONEY, PROPERTY OR CREDITS other than personal earnings of the judgment debtor.

Signed at _____, Ohio on _____, 20____
_____ AFFIANT SIGNATURE

Sworn and subscribed before me this ____ day of _____, 20____
_____ NOTARY PUBLIC/DEPUTY CLERK

Lyndhurst Municipal Court

ORDER AND NOTICE OF GARNISHMENT OF PROPERTY OTHER THAN PERSONAL EARNINGS AND ANSWER OF GARNISHEE

Case No. _____

The State of Ohio
County of Cuyahoga, ss

Judgment Creditor
vs.

Judgment Debtor

SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT

To: _____
(Name and address of Garnishee)

The judgment creditor in the above case has filed an affidavit, satisfactory to the undersigned, in this court stating that you may have money, property, or credits, other than personal earnings, in your hands or under your control that belong to the judgment debtor.

You are therefore ordered to complete "ANSWER OF GARNISHEE" in Section (B) of this form. Return one completed and signed copy of this form to the Clerk of this Court together with the amount determined in accordance with the "ANSWER OF GARNISHEE" by the following date on which a hearing is tentatively schedule relative to this order of garnishment: _____. Deliver one completed and signed copy of this form to the judgment debtor prior to that date. Keep the other completed and signed copy of this 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 \$ _____; pre- and post-judgment interest, if applicable, at the rate of _____% per annum, payable until that judgment is satisfied in full; and court costs in the amount of \$ _____.

You are also ordered to hold safely anything of value that belongs to the judgment debtor and that has to be paid to the Court, as determined under the "ANSWER OF GARNISHEE" in Section (B) of this form, but that is of such a nature that is cannot be so delivered, until further order of the Court.

Witness my hand and the seal of this Court on _____.

JUDGE DOMINIC J. COLETTA

SECTION B. ANSWER OF GARNISHEE

Case No. _____

The State of Ohio
County of Cuyahoga, ss

Judgment Creditor

vs.

Judgment Debtor

Now comes _____, the garnishee, who says:

- 1. That the garnishee has more than \$500.00 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 over \$500.00: \$ _____

- 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 this 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 Completing Form)

(Date)

(Signature of Person Completing Form)

Lyndhurst Municipal Court

NOTICE TO JUDGMENT DEBTOR

Case No. _____

(Judgment Creditor)

vs.

(Judgment Debtor)

You are hereby notified that this Court has issued an order in the above case in favor of:

(Name and address of Creditor)

the judgment creditor in this proceeding, directing that some of your money in excess of Five Hundred Dollars (\$500.00), property, or credits, other than personal earnings, that now may be in the possession of:

(Name and address of Garnishee)

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 the Lyndhurst Municipal Court on _____ (judgment date). Upon receipt of this notice, you are prohibited from removing or attempting to remove the money, property, or credits until expressly permitted by the court. Any violation of this prohibition subjects you to punishment for contempt of court.

The laws of Ohio and the United States provide 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 the following:

- (1) Workers' compensation benefits;
- (2) Unemployment compensation payments;
- (3) Cash assistance payments under the Ohio works first program;
- (4) Benefits and services under the prevention, retention, and contingency program;
- (5) Disability financial assistance administered by the Ohio department of job and family services;
- (6) Social security benefits;
- (7) Supplemental security income (S.S.I.);
- (8) Veteran's benefits;
- (9) Black lung benefits;
- (10) Certain pensions.

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 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 by disputing the claim in the request for hearing form, appearing below, or in a substantially similar form, and delivering the request for hearing to 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; however, 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. 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. **NO OBJECTIONS TO THE JUDGMENT ITSELF WILL BE HEARD OR CONSIDERED 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 garnishee, if any, that can be used to satisfy all or part of the judgment you owe to the Judgment Creditor.

If you request a hearing by delivering your request for hearing no later than the end of the fifth (5th) business day after you receive this notice, said hearing will be added to the Court docket and notification of time and date will be sent to you. If you do not request a hearing by delivering your request for a hearing no later than the end of the fifth (5th) 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.

Date

Clerk of Lyndhurst Municipal Court

Lyndhurst Municipal Court

REQUEST FOR HEARING

Case No. _____

Date: _____

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 and added to the court docket and notification of time and date be sent to me. I dispute the judgment creditor's right to garnish my property for the following reasons (optional):

I UNDERSTAND THAT NO OBJECTIONS TO THE JUDGMENT ITSELF WILL BE HEARD OR CONSIDERED AT THE HEARING.

(Signature of Judgment Debtor)

(Print Name)

(Phone Number)

(Address)

(Address)

(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 THE GARNISHEE WILL BE PAID TO THE JUDGMENT CREDITOR TO SATISFY SOME OF YOUR DEBT TO THE JUDGMENT CREDITOR.