

**ATTORNEY INSTRUCTIONS  
FOR GARNISHMENT  
OTHER THAN PERSONAL EARNINGS**

The following are instructions on the procedures necessary to have a Garnishment action take place within the Southern District of Ohio at Dayton and Columbus.

Definition: A garnishment is one method for a judgment creditor to collect on a judgment for a judgment debtor. The types of garnishments are: 1) personal earning and 2) Other than personal earnings.

Attached to these instructions are examples that give you the wording that is commonly used in the required documents to be filed in a garnishment action. You may use comparable forms that include all of the required data pursuant to ORD 2716.11 *et. seq.*

Documents required for filing:

- 1) Motion for Judgment Creditor for Order of Garnishment of Property Other Than Personal Earnings.
- 2) Affidavit in Support of Motion for Order of Garnishment of Property Other Than Personal Earnings.
- 3) Order and Notice of Garnishment of Property Other Than Personal Earnings and Answer of Garnishee.
- 4) Notice to Judgment Debtor of Garnishment of Property Other Than Personal Earnings.
- 5) Request for Hearing on Garnishment.

Per Southern District of Ohio Local Rule (a), Certificate of Service must be on applicable documents filed with the Court.

**SERVICE OF SUCH FORMS ARE BY THE U.S. MARSHAL ONLY UPON ORDER OF THE COURT. IF YOU WISH SUCH SERVICE TO BE MADE BY THE MARSHAL YOU MUST SUBMIT A MOTION AND MEMORANDUM TO THAT EFFECT. ATTORNEY'S MUST MAKE ARRANGEMENTS WITH THE U.S. MARSHAL FOR SERVICE/PAYMENTS.  
GARNISHMENT:**

Rule 69, FRCP, provides that execution shall be in accordance with the practice and procedure of the State Court. In Ohio, such procedure is set forth in Section 2716.11 *et. seq.*: ORC Garnishment proceedings may only take place following a judgment and order by the Court of appeals for the Sixth Circuit or the expiration time for an appeal.

The agency or judgment creditor who is seeking the garnishment has the responsibility for preparing all documents for filing. Documents to be submitted are as follows:

- I. Motion (or application) for Order of Garnishment of Property other than Personal Earnings with memorandum in support, copy of Judgment.

Number of Forms Required for Filing:

- a) Original.
- b) 1 copy for service on garnishee.
- c) 1 copy for each judgment debtor being served.
- d) Any additional copies that counsel may need for his use.

- II. Affidavit in Support of Motion for Order of Garnishment of Property other than Personal Earnings.

Number of Forms Required for Filing:

- a) Original.
- b) 1 copy for service upon Garnishee.
- c) 1 copy for each judgment debtor being served.
- d) Any additional copies that counsel may need for his use.

**NOTE:** The Affidavit must be accompanied by One Dollar (\$1.00), which is paid to the garnishee. The garnishee is a person or company having in their possession, custody or control, property of a judgment debtor as listed in the Writ of Garnishment, or any other property of the judgment debtor.

The above forms must be completed and signed when received and filed by the Clerk's Office.

The following forms are partially filled out and are completed when dates are secured from the issuing judge or magistrate.

III. Order and Notice of Garnishment of Property other than Personal Earnings and Answer of Garnishee.

Number of forms Required for Filing:

- a) Original.
  - b) 3 copies for service upon Garnishee.
  - c) 1 copy for each judgment debtor being served.
  - d) 3 Self-Addressed Stamped Envelopes.
  - e) Any additional copies that counsel may need for his use.
- 
- (a) The date for the garnishee's response is not later than the date set for the hearing in the Notice provided to the judgment debtor.
  - (b) The Court is to set the matter for hearing no earlier than 12 days from issuance of Order.
  - (c) Service is to be made no later than seven days prior to the date of hearing.
  - (d) The Order may be signed by a United States District judge or a Magistrate judge. In practice they are signed by the Magistrate.

IV. Notice to the Judgment Debtor and Request for Hearing

Number of Forms Required for filing:

- a. Original for the Court.
- b. 1 copy for each judgment debtor being served.
- c. Any additional copies that counsel may need for his use.
  - (a) Service may be made by ordinary mail.
  - (b) At the time the Order is signed by the Magistrate Judge, the Magistrate judge will designate a date for the hearing.
  - (c) The Notice is to be served upon the judgment debtor not later than seven (7) days prior to the hearing.
  - (d) The Hearing Request Form shall be accompanied by a postage paid envelope addressed to the Clerk. In practice the Clerk provides this.

V. U. S. Marshal Service Form - USM 285

Number of Forms Required for filing:

- a. 1 for each garnishee being served (if service by USM)
- b. If you are using the PDF version of USM 285, there must be the original and 5 copies each for each garnishee being served.

**FOR THE UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OHIO  
DAYTON DIVISION ONLY**

MAGISTRATE GENERAL ORDER # 6 - FILED 6/14//87 - MICHAEL R. MERZ

“In all garnishment actions filed in this Court pursuant to Chapter 2716, Ohio Revised code, when an Answer is made by the garnishee pursuant to O.R.C. Section 2716.21 and payment into Court is ordered, such payment shall be made by the garnishee’s drawing a check to the order of the **Plaintiff (emphasis added)** and forwarding the same with the Answer to the Clerk of this Court. The Clerk shall then docket the answer, record the amount of payment on the docket, and forward the check for payment to the attorney for Plaintiff. Garnishee’s shall not draw checks payable to the Clerk of this Court, in order to prevent needless use of the Court’s Registry form garnishment payments.

The Clerk shall serve a copy of this General Order on every garnishee along with each and every Court Order and Notice of Garnishment.”

## **Garnishment of Property other than Personal Earnings**

The attached forms for garnishment of property other than personal earnings are in the language set out in O.R.C. § 2716.13. The statute reads as follows:

### **Ohio Revised Code § 2716.13 Proceeding in garnishment of property other than personal earnings**

(A) Upon the filing of a proceeding in garnishment of property, other than personal earnings, under section 2716.11 of the Revised Code, the court shall cause the matter to be set for hearing within twelve days after that filing.

(B) Upon the scheduling of a hearing relative to a proceeding in garnishment of property, other than personal earnings, under division (A) of this section, the clerk of the court immediately shall issue to the garnishee three copies of the order of garnishment of property, other than personal earnings, and of a written notice that the garnishee answer as provided in section 2716.21 of the Revised Code and the garnishee's fee required by section 2716.12 of the Revised Code. The copies of the order and of the notice shall be served upon the garnishee in the same manner as a summons is served. The copies of the order and of the notice shall not be served later than seven days prior to the date on which the hearing is scheduled. The order shall bind the property, other than personal earnings, of the judgment debtor in the possession of the garnishee at the time of service.

The order of garnishment of property, other than personal earnings, and notice to answer shall be in substantially the following form:

...

(C)(1) At the time of the filing of a proceeding in garnishment of property, other than personal earnings, under section 2716.11 of the Revised Code, the judgment creditor also shall file with the clerk of the court a praecipe instructing the clerk to issue to the judgment debtor a notice to the judgment debtor form and a request for hearing form. Upon receipt of the praecipe and the scheduling of a hearing relative to an action in garnishment of property, other than personal earnings, under division (A) of this section, the clerk of the court immediately shall serve upon the judgment debtor, in accordance with division (D) of this section, two copies of the notice to the judgment debtor form and of the request for hearing form. The copies of the notice to the judgment debtor form and of the request for hearing form shall not be served later than seven days prior to the date on which the hearing is scheduled.

(a) The notice to the judgment debtor that must be served upon the judgment debtor shall be in substantially the following form:

...

(2) The judgment debtor may receive a hearing in accordance with this division by delivering a written request for hearing to the court within five business days after receipt of the notice provided pursuant to division (C)(1) of this section. The request may set forth the judgment debtor's reasons for disputing the judgment creditor's right to garnish the money, property, or credits, other than personal earnings; however, neither the judgment debtor's inclusion of nor failure to include those reasons upon the request constitutes a waiver of any defense of the judgment debtor or affects the judgment debtor's right to produce evidence at the hearing. If the request is made by the judgment debtor within the prescribed time, the hearing shall be limited to a consideration of the amount of money, property, or credits, other than personal earnings, of the judgment debtor in the hands of the

garnishee, if any, that can be used to satisfy all or part of the debt owed by the judgment debtor to the judgment creditor. If a request for a hearing is not received by the court within the prescribed time, the hearing scheduled pursuant to division (A) of this section shall be canceled unless the court grants the judgment debtor a continuance in accordance with division (C)(3) of this section.

(3) If the judgment debtor does not request a hearing in the action within the prescribed time pursuant to division (C)(2) of this section, the court nevertheless may grant a continuance of the scheduled hearing if the judgment debtor, prior to the time at which the hearing was scheduled, as indicated on the notice to the judgment debtor required by division (C)(1) of this section, establishes a reasonable justification for failure to request the hearing within the prescribed time. If the court grants a continuance of the hearing, it shall cause the matter to be set for hearing as soon as practicable thereafter. The continued hearing shall be conducted in accordance with division (C)(2) of this section.

(4) The court may conduct the hearing on the matter prior to the time at which the hearing was scheduled, as indicated on the notice to the judgment debtor required by division (C)(1) of this section, upon the request of the judgment debtor. The parties shall be sent notice, by the clerk of the court, by regular mail, of any change in the date, time, or place of the hearing.

(5) If the scheduled hearing is canceled and no continuance is granted, the court shall issue an order to the garnishee to pay all or some of the money, property, or credits, other than personal earnings, of the judgment debtor in the possession of the garnishee at the time of service of the notice and order into court if they have not already been paid to the court. This order shall be based on the answer of the garnishee filed pursuant to this section. If the scheduled hearing is conducted or if it is continued and conducted, the court shall determine at the hearing the amount of the money, property, or credits, other than personal earnings, of the judgment debtor in the possession of the garnishee at the time of service of the notice and order, if any, that can be used to satisfy all or part of the debt owed by the judgment debtor to the judgment creditor, and issue an order, accordingly, to the garnishee to pay that amount into court if it has not already been paid to the court.

(D) The notice to the judgment debtor form and the request for hearing form described in division © of this section shall be sent by the clerk by ordinary or regular mail service unless the judgment creditor requests that service be made in accordance with the Rules of Civil Procedure, in which case the forms shall be served in accordance with the Rules of Civil Procedure. Any court of common pleas that issues an order of garnishment of property, other than personal earnings, under this section has jurisdiction to serve process pursuant to this section upon a garnishee who does not reside within the jurisdiction of the court. Any county court or municipal court that issues an order of garnishment of property, other than personal earnings, under this section has jurisdiction to serve process pursuant to this section upon a garnishee who does not reside within the jurisdiction of the court.







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 \_\_\_\_\_\$\_\_\_\_\_.

You also are 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 it cannot be so delivered, until further order of the court.

Witness my hand and the seal of this court this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Unites States Magistrate Judge

**CLAIMS FOR EXEMPTIONS FORM**  
**MAJOR EXEMPTIONS UNDER FEDERAL LAW**

I claim that the exemption(s) from garnishment which are **checked** below apply in this case:

___	1.	Social Security benefits and Supplemental Security income (42 U.S.C. § 407).
___	2.	Veterans' benefits (38 U.S.C. § 5301).
___	2a.	Members of armed services (10 U.S.C. § 1440, 38 U.S.C. § 1562).
___	3.	Federal civil service retirement benefits (5 U.S.C. § 8346 and 22 U.S.C. § 4060(c)).
___	4.	Annuities to survivors of federal judges (28 U.S.C. § 376(n)).
___	5.	Longshoremen and Harborworkers Compensation Act (33 U.S.C. § 916).
___	6.	Black lung benefits (30 U.S.C. §§ 931(b) (2) (F) and 932(a) ).
___	6a.	Seaman's, master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C.A. §§ 11108(a)-11109(a-c)).
Exemptions listed under 1 through 6 above may not be applicable in child support and alimony cases (42 U.S.C. § 659).		
___	6b.	Railroad retirement, pension, unemployment benefits (45 U.S.C. §§ 352(e).
___	7.	Bankruptcy Code (Title 11, United States Code) which generally provides exemptions for:
___	(a)	\$17,425 in equity in a residence.
___	(b)	\$2,775 in equity in a motor vehicle.
___	(c)	\$1,150 in jewelry.
___	(d)	\$9,300 in personal property. (However, no single item worth more than \$450 can be claimed as exempt.)
___	(e)	\$1,750 in equity in any implements, professional books, or tools, of the trade of the debtor or the trade of a dependent of the debtor.
___	(f)	\$925 in property, plus up to \$8,725 of any unused amount of the exemption provided for above.
___	(g)	Any unmaturred life insurance contract you own, other than credit life insurance.
___	(h)	The aggregate value, up to \$9,300, of any accrued dividend or interest under, or

		loan value of, any unmatured life insurance contract you own, but only if you are the insured or you are a dependant of the insured.
_____	(i)	Professionally prescribed health aids for you or your dependants.
_____	(j)	Unemployment compensation benefits, local public assistance benefits, disability benefits, illness benefits; and alimony, support, and separate maintenance, to the extent these items are reasonably necessary for your support or the support of your dependants.
_____	(k)	A payment under a stock bonus, pension, profit-sharing, annuity, or similar plan or contract on account of illness, disability, death, age, or length of service, to the extent reasonably necessary for your support or the support of your dependants, subject to the limitations set forth at Title 11 United States Code Section 522 (d) (10) (E) (i) – (iii).
_____	(l)	Your right to receive, or property that traceable to, -an award under a crime victim's reparation law; -a payment on account of the wrongful death of an individual of whom you were a dependant, but only to the extent reasonably necessary for your support or the support of your dependants; -a payment under a life insurance contract that insured an individual of whom you were a dependant on the date of the insured's death, but only to the extent reasonably necessary for your support or the support of your dependants -a payment, not to exceed \$17,425, on account of personal bodily' injury suffered by you or by an individual of whom you are a dependant; however, payment for pain and suffering or payment to compensate actual pecuniary loss are not exempt under this paragraph; -a payment <i>in</i> compensation of loss of your future earnings or the future earnings of an individual of whom you are, or were, a dependant, but only to the extent reasonably necessary for your support of your dependants.
_____	8.	Compensation for war risk hazards (42 U.S.C. § 1717).

**MAJOR EXEMPTIONS UNDER STATE LAW**

**NOTE:** The law of the state where you have been domiciled for at least 180 days governs your rights.

**NOTE:** If you have selected the Bankruptcy Code exemptions (line 7 above), you may not also claim the state law exemptions listed below.

			<u>Statute Exemption</u>	<u>Value Claimed</u>
_____	9.	Fraternal Benefit Society Benefits -Exempt before and after payments	Ohio Rev. Code Ann. §§2329.66(A)(6)(d) and 3921.128	_____
_____	10.	Public Assistance -General Assistance and aid to dependent children are exempt	Ohio Rev. Statute §§2329.66(A)(9), 5107.12 and 5113.03 (A)	_____
_____	11.	Pension and Retirement Benefits -Various public employees' retirement systems. In addition, benefits from pension plans qualified for tax exemption and certain non-qualifying plans are exempt. IRA's and Keoughs are exempt when necessary for support.	Ohio Rev. Statute §§245.66 and provisions cited in notes thereafter, and 2329.66 (A)(10)	_____
_____	12.	Alimony, Support and Separate Maintenance -Alimony, maintenance and child support	Ohio Rev. Code Ann. §2329.66(A)(11)	_____
_____	13.	Crime Victims' Compensation	Ohio Rev. Code Ann. §§2329.66(A)(12)(a) and 2743.66(D)	_____
_____	14.	Claims for Negligence and Tortuous Conduct -A payment on account of the wrongful death of an individual of whom the person is a dependent to the extent necessary for support is exempt. Up to \$5,000 for personal injury, not including pain and suffering or pecuniary loss, for the person or an individual for whom the person is a dependent, is exempt. Compensation for loss of future earnings, of the person or an individual of whom the person is a dependent, is exempt to the extent necessary for support.	Ohio Rev. Code §2329.66(A)(12)(b), (c), and (d)	_____
_____	15.	Wages -If paid weekly, (13) the greater of 30 times the current federal minimum wage of 75% of debtor's disposable earnings. If paid biweekly, the greater of 60 times the	Ohio Rev. Code Ann. §2329.66 (A) (13)	

		current federal minimum wage or of debtor's disposable earnings. If paid semi-monthly, the greater of 65 times the current federal minimum wage or of debtor's disposable earnings. If paid monthly, one hundred thirty times the federal minimum wage or of debtor's disposable earnings.		_____
_____	16.	Workers' Compensation -Exempt	Ohio Rev. Code Ann. §4123.67	_____
_____	17.	Unemployment Compensation -Exempt	Ohio Rev. Code Ann. §4141.32	_____

The statements made in this claim for exemptions and request for hearing as to exemption entitlement and fair market value of the property designated are made and declared under penalty of perjury that they are true and correct. I hereby request a court hearing to decide the validity of my claims. Notice of the hearing should be given to me by mail at:

\_\_\_\_\_ (Address)                      \_\_\_\_\_ (City/State)                      \_\_\_\_\_ (Zip Code)

or telephonically at \_\_\_\_\_ (Area Code)                      \_\_\_\_\_ (Phone Number)

\_\_\_\_\_  
Debtor's printed/typed name)

\_\_\_\_\_  
(Signature of Debtor)

## **NOTICE TO DEFENDANT DEBTOR ON HOW TO CLAIM EXEMPTIONS**

To: (Judgment debtor's name)  
(Judgment debtor's address)

The attached post-judgment process has been issued on request of the (moving party's name).

The law provides that certain property and wages cannot be taken. Such as property is said to be exempted. The claim for Exemption Form lists the exemptions under Federal law and your state law. There is no exemption solely because you are having difficulty paying your debts.

If you claim an exemption, you should (1) select either the Federal Bankruptcy Code exemptions or the state law exemptions, (2) fill out the Claim for Exemption Form and (3) deliver or mail the form to the Clerk's office of this Court and counsel for the United States.

Under the Federal Debt Collection Procedures Act of 1990 (FDCPA), you have the right to request a hearing. You have a right to have the hearing within 5 business days, or as soon as practicable, from the date you file your claim with the Court.

If (moving party's name) as creditor is asking that your wages be withheld, the method of computing the amount of wages which are exempt from garnishment by law is indicated on the Claim for Exemption Form, which is attached. If you believe the wrong amount is being withheld, you may file a claim for exemption.

The garnishee, the person who is in custody or control of your property, is required to serve an answer within 10 days after receiving a Writ of Garnishment. **Under the FDCPA, within 20 days after receipt of the answer, you may file a written objection to the answer and request a hearing.** In your written objection you must state the grounds for the objection and bear the burden of providing the basis of your objection. You must serve a copy of the objection and request for hearing upon all parties.

If you request a hearing, you should come to the court ready to explain why your property is exempt, and you should bring any documents which may help prove your case. If you do not come to the court at the designated time and prove that your property is exempt, you may lose some of your rights. You may wish to seek the advice of an attorney in this matter.

To: (Garnishee's name)  
(Garnishee's address)

### **INSTRUCTIONS TO THE GARNISHEE**

Attached is a writ of Garnishment requesting that you determine whether or not you have in your possession, custody or control any of the property of the debtor listed herein, or any other property of the debtor. **You are required by law to serve a written answer to this Writ within ten (10) days of your receipt of this Writ.** You must file the original answer with the Court issuing this Writ and serve a copy to (enter defendants name), Defendant, and to the (moving party's name) counsel. You are further required to hold and retain any property in which the debtor has a substantial non-exempt interest until the Garnishment Order is signed by this Court and you are instructed regarding payments. A list of exemptions which are not subject to the Writ of Garnishment is attached to the Clerk's Notice, entitled Claim for Exempted Form.

**IF YOU FAIL TO ANSWER THIS WRIT OR WITHHOLD PROPERTY IN ACCORDANCE WITH THE WRIT, THE COURT MAY MAKE YOU LIABLE FOR THAT AMOUNT OF THE DEBTOR'S NON-EXEMPT PROPERTY WHICH YOU FAILED TO WITHHOLD. ADDITIONALLY, YOU MAY BE HELD LIABLE FOR REASONABLE ATTORNEY FEES TO THE (ENTER MOVING PARTY'S NAME) IF THE (ENTER MOVING PARTY'S NAME) FILES A PETITION TO THE COURT REQUESTING AN EXPLANATION FOR YOUR FAILURE TO COMPLY WITH THIS WRIT.**

If you have any questions, please call (enter moving party/counsel's name) at: (enter moving party/counsel's phone number).

## **IMPORTANT STATEMENT**

This wage garnishment directs the withholdings of up to 25% of the judgment debtor's disposable income. In certain cases, however, federal law does not permit the withholding of that much of the debtor's disposable income. The judgment debtor is referred to the 15 United States Code § 1671 et. Seq.

### I. Limitations on the amount that can be withheld:

A. If judgment debtor's weekly disposable earnings are less than thirty (30) times the current federal minimum wage, no deduction can be made under this wage garnishment.

B. If deductions are being made from a judgment debtor's gross income under any orders for alimony, support maintenance for family members or former spouses, and those deductions are less than 25% of the judgment debtor's disposable earning, deductions maybe made under the wage garnishment.

However, the amount arrived at by adding the deductions made under this execution to the deduction made under any orders for alimony, support or maintenance for a family members or former spouses cannot exceed 25% of the judgment debtor's disposable earnings.

NOTE: Nothing in this wage garnishment limits the proportion or amount which may be deducted under any order for alimony, support or maintenance for family member or former spouses.

### II. Explanation of Limitations - Definitions

**Disposable Earnings:** Disposable earnings are that part of an individual's earnings left after deduction those amounts that are required by law to be withheld, for example, taxes, social security and unemployment insurance, but not deductions for union dues, insurance plans.

**Gross Income:** Gross income is salary, wages or other income including any and all overtime earning, commissions and income trusts, before any deductions are made from such income.



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)

Dated this \_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
\_\_\_\_\_ DIVISION**

Judgment Creditor,	:	Civil Action
	:	
v.	:	Judge
	:	
Judgment Debtor,	:	Magistrate Judge

**NOTICE TO THE JUDGMENT DEBTOR**

You are hereby notified that this court has issued an order in the above case in favor of: (name and address of Judgment Creditor) the judgment creditor in this proceeding, directing that some of your money, property, or credits, other than personal earnings, now 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 (Name of Court) in Case No. \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_, 200\_\_.

Upon your 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 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 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 business day after you receive this notice, it will be conducted in Magistrate Judge \_\_\_\_\_'s Courtroom No. \_\_\_\_\_, \_\_\_\_\_(address)\_\_\_\_\_, at \_\_\_\_\_ a.m./p.m. on \_\_\_\_\_, \_\_\_\_\_. 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 a 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.

**JAMES BONINI**  
Clerk of Court

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Date



Ohio Revised Code § 2716.13(C)(2)-(5) and (D) read:

(2) The judgment debtor may receive a hearing in accordance with this division by delivering a written request for hearing to the court within five business days after receipt of the notice provided pursuant to division (C)(1) of this section. The request may set forth the judgment debtor's reasons for disputing the judgment creditor's right to garnish the money, property, or credits, other than personal earnings; however, neither the judgment debtor's inclusion of nor failure to include those reasons upon the request constitutes a waiver of any defense of the judgment debtor or affects the judgment debtor's right to produce evidence at the hearing. If the request is made by the judgment debtor within the prescribed time, the hearing shall be limited to a consideration of the amount of money, property, or credits, other than personal earnings, of the judgment debtor in the hands of the garnishee, if any, that can be used to satisfy all or part of the debt owed by the judgment debtor to the judgment creditor. If a request for a hearing is not received by the court within the prescribed time, the hearing scheduled pursuant to division (A) of this section shall be canceled unless the court grants the judgment debtor a continuance in accordance with division (C)(3) of this section.

(3) If the judgment debtor does not request a hearing in the action within the prescribed time pursuant to division (C)(2) of this section, the court nevertheless may grant a continuance of the scheduled hearing if the judgment debtor, prior to the time at which the hearing was scheduled, as indicated on the notice to the judgment debtor required by division (C)(1) of this section, establishes a reasonable justification for failure to request the hearing within the prescribed time. If the court grants a continuance of the hearing, it shall cause the matter to be set for hearing as soon as practicable thereafter. The continued hearing shall be conducted in accordance with division (C)(2) of this section.

(4) The court may conduct the hearing on the matter prior to the time at which the hearing was scheduled, as indicated on the notice to the judgment debtor required by division (C)(1) of this section, upon the request of the judgment debtor. The parties shall be sent notice, by the clerk of the court, by regular mail, of any change in the date, time, or place of the hearing.

(5) If the scheduled hearing is canceled and no continuance is granted, the court shall issue an order to the garnishee to pay all or some of the money, property, or credits, other than personal earnings, of the judgment debtor in the possession of the garnishee at the time of service of the notice and order into court if they have not already been paid to the court. This order shall be based on the answer of the garnishee filed pursuant to this section. If the scheduled hearing is conducted or if it is continued and conducted, the court shall determine at the hearing the amount of the money, property, or credits, other than personal earnings, of the judgment debtor in the possession of the garnishee at the time of service of the notice and order, if any, that can be used to satisfy all or part of the debt owed by the judgment debtor to the judgment creditor, and issue an order, accordingly, to the garnishee to pay that amount into court if it has not already been paid to the court.

(D) The notice to the judgment debtor form and the request for hearing form described in division © of this section shall be sent by the clerk by ordinary or regular mail service unless the judgment creditor requests that service be made in accordance with the Rules of Civil Procedure, in which case the forms shall be served in accordance with the Rules of Civil Procedure. Any court of common pleas that issues an order of garnishment of property, other than personal earnings, under this section has jurisdiction to serve process pursuant to this section upon a garnishee who does not reside within the jurisdiction of the court. Any county court or municipal court that issues an order of garnishment of property, other than personal earnings, under this section has jurisdiction to serve process pursuant to this section upon a garnishee who does not reside within the jurisdiction of the court.