

IN THE COUNTY COURT OF MONTGOMERY COUNTY OHIO

IN RE:

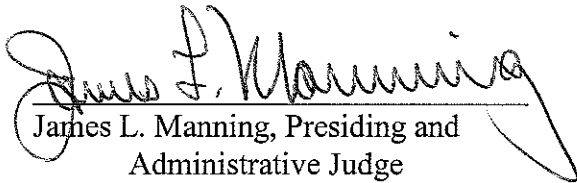
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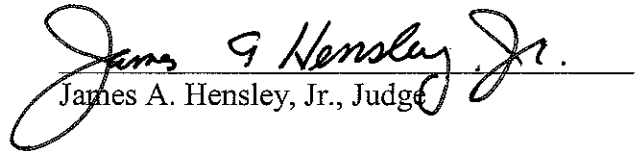
TRUSTEESHIP

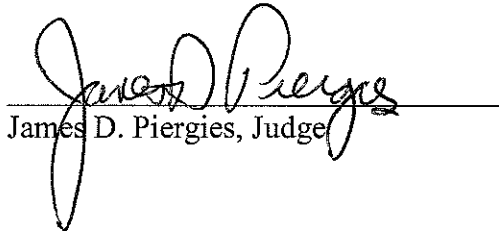
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GENERAL ORDER

Pursuant to Rule 5 of the Rules of Superintendence for the Courts of Ohio, the attached changes to this Court's Local Rule 6.5 are hereby immediately adopted. This court finds that there is an immediate need to adopt these changes. However, these changes shall be published for comment for sixty days and may be revised thereafter.


James L. Manning, Presiding and
Administrative Judge


James A. Hensley, Jr., Judge


James D. Piergies, Judge


Adele M. Riley, Judge

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COUNTY COURT
AREA 1
2009 JUL 27 PM 12:21

Rule 6.5 TRUSTEESHIP

Any person upon whom a demand has been made in accordance with section 2716.02 of the Revised Code (Order to Garnish Wages) may apply to this County Court for a trusteeship under 2329.70 O.R.C. provided that he or she resides within the territorial jurisdiction of this court or his or her place of employment is within this court's territorial jurisdiction and the petitioner is not an Ohio resident.

- 1) Petitioner has fourteen (14) days from the date they receive the fifteen (15) day Notice of Garnishment to file a *Petition for Appointment of Trustee*, along with a filing fee.
- 2) The clerk shall assign such petition a civil case number using CVT as the case designator. (Such cases will not be audited on the Supreme Court Reports.)
- 3) The petitioner shall file with his or her petition a complete and accurate sworn statement of all creditors with full addresses. Said statement must include a designation of secured or unsecured debts and the total amount due to each creditor. Additionally, copies of petitioner's last three (3) paycheck statements and copies of any garnishment orders must be attached.
- 4) The clerk of the court shall serve a copy of the petition to each creditor listed and any courts where garnishment is pending.
- 5) The case shall be forwarded to the judge for review and a hearing shall be scheduled.
- 6) Once a hearing is held, and if the judge so orders, the clerk shall be appointed trustee for petitioner. The judge shall order how much shall be paid to the trustee by the petitioner and the judge shall order how the funds shall be disbursed.
- 7) Upon the filing of the petition all garnishment, attachment, aid of execution or other action or proceeding against the petitioner's personal earnings by the listed creditors shall be stayed.
- 8) Failure of petitioner to pay as ordered shall result in immediate dismissal and cancellation of the stay.