

MONTGOMERY COUNTY MUNICIPAL COURT

**EASTERN DIVISION
6111 TAYLORSVILLE RD.
HUBER HEIGHTS, OH 45424
(937)225-5824**

**WESTERN DIVISION
195 S. CLAYTON RD.
NEW LEBANON, OH 45345
(937)687-9092**

Instructions to Complete Garnishment Forms:

In compliance with Ohio Revised Code 5703.47, the tax rate is calculated annually by the Tax Commission and certified by the Auditor's Office. This interest rate will apply to all new civil judgments. After a civil judgment is received, and before filing a garnishment to attach personal earnings or a bank account, a Notice of Court Proceedings to Collect Debt must be mailed by Certificate of Mailing to the Defendant at their last known address.

When filing for garnishment of earnings, file the following forms:

- Notice of Court Proceedings to Collect Debt (completed, served on Defendant with proof of mailing and 4 copies).
- Affidavit, Order, and Notice of Garnishment of Personal Earnings and Answer of Employer (4 copies).
- Notice to the Judgment Debtor of Garnishment of Wages (4 copies).
- Request for Hearing (to be forwarded to Defendant with 2 copies).
- Interim Report and Answer of Garnishee (4 copies).
- Final Report and Answer of Garnishee (4 copies).
- Filing fee.

When filing for garnishment of property other than personal earnings, file the following forms:

- Notice of Court Proceedings to Collect Debt (completed, served on Defendants with proof of mailing and 4 copies).
- Affidavit, Order, and Notice of Garnishment of Property Other Than Personal Earnings (4 copies).
- Request for Hearing (to be forwarded to Defendant, 2 copies).
- A check for \$1.00 made payable to the bank where the Garnishee's account is located.
- Filing fee.

Notice of Court Proceedings to Collect Debt- complete form and make three copies. Plaintiff retains a copy, mail a copy to Defendant with a Certificate of Mailing, file original and one copy at the court with proof of mailing. File at the court fifteen (15) days after mailing and no later than forty-five (45) days after mailing.

Affidavit, Order, and Notice of Garnishment of Personal Earnings and Answer of Employer (O.R.C. 2716.05) - complete Section A of this form and make four (4) copies. Section B to be completed by employer.

Affidavit, Order, and Notice of Garnishment of Property Other Than Personal Earnings and Answer of Garnishee (O.R.C. 2716.11,12,13)- complete Section A of this form and make four (4) copies. Section B to be completed by Garnishee.

Notice to the Judgment Debtor of Garnishment of Wages- complete this form except for the Exec. No. and file the original plus four (4) copies with the Affidavit, Order, and Notice.

Request for Hearing- a copy of this form is forwarded to be completed by Debtor if hearing is requested. File with two (2) copies.

Interim Report and Answer of Garnishee- fill in Judgment Creditor, Judgment Debtor, Case Number, and The Garnishee only. File original plus four (4) copies.

Final Report and Answer of Garnishee- fill in Judgment Creditor, Judgment Debtor, Case Number, and the Garnishee only. File original plus four (4) copies.

Affidavit of Current Balance on Garnishment Order- to be filed, at a minimum, annually by the Creditor or Creditor's attorney. It is the means by which the Creditor can advise the employer of the judgment amount still outstanding. This form may be filed more frequently if funds are received from other sources or if the court costs are expended to affect the balance. The Affidavit along with a Hearing Notice and a Request for Hearing Notice must be filed with the Court, the employer, and the Debtor. The Debtor may be served by personal service, certified mail, or regular mail with proof of mailing at the Debtor's last known address. There is not a filing fee for this document. File original plus four (4) copies.

Request for Hearing Determination of Current Balance due on Garnishment Order- to be included with the Affidavit of Current Balance of Garnishment Order. Debtor may complete and file original with the Court if a hearing is requested. File original plus two (2) copies.

Notice to the Judgment Debtor of Affidavit of Current Balance due on Garnishment Order- to be included with the Affidavit of Current Balance of Garnishment Order. File original plus four (4) copies.

Notice that Judgment is Satisfied- to be completed upon payment in full to the Creditor. File original plus four (4) copies.