

IN THE DELAWARE MUNICIPAL COURT, DELAWARE COUNTY, OHIO

Justice Center • 70 North Union Street, Delaware, Ohio 43015 • Voice: 740.203.1500 • Facsimile: 740.203.1599 • www.municipalcourt.org

Plaintiff(s) - Judgment Creditor
vs.

CASE NO: _____

NOTICE OF COURT PROCEEDING TO COLLECT DEBT
(R.C. § 2716.02)
Garnishment of Personal Earnings/Wages

Defendant(s)

To:
Judgment Debtor (print name) Last Known Address of Judgment Debtor

You owe the Judgment Creditor \$ _____, including interest and court costs, on a judgment obtained or certified on _____, against you herein and payment of which is hereby demanded. If you do not do one of the three things listed below within 15 days of the mailing/service date of this notice, we will ask the court, unless precluded by law from doing so, to order your employer to withhold money from your earnings and send it to the court in satisfaction of your debt. This is called garnishment of personal earnings. It is to your advantage to avoid garnishment because the extra burden on your employer could cause you to lose your job.

YOU CAN AVOID GARNISHMENT BY DOING ONE OF THESE THREE THINGS WITHIN THE FIFTEEN-DAY PERIOD:

- (1) Pay to us the amount due;
(2) Complete the "Payment to Avoid Garnishment" section below and return it to us with the payment, if any, shown due; or
(3) Apply to your local municipal/county court or, if you are not an Ohio resident, to the municipal/county court in the jurisdiction where your place of employment is located, for appointment of a trustee to receive the part of your earnings that is subject to garnishment, and notify us of your application. You will be required to list your creditors, the amounts of their claims, and the amounts due on their claims; the amount you then will pay to your trustee each payday will be distributed until the debts are paid. This can be to your advantage because in the meantime none of those creditors can garnish your wages.

You also may contact a budget-and-debt-counseling service described in R.C. § 2716.03(D) and enter a debt-scheduling agreement. There may be insufficient time for such an agreement to avoid garnishment of your wages based upon the demand herein, but such an agreement could protect you from future wage garnishments. Under a scheduling agreement, you must make regular payments to the counseling service for distribution to the creditors subject to the agreement until their claims are paid. This can be to your advantage because these creditors cannot garnish your wages while you make your payments to the service on time.

X
Signature, Judgment Creditor /Agent / Attorney Judgment Creditor / Attorney Address

Date of mailing or service of this notice
Judgment Creditor / Agent / Attorney (print name)

PAYMENT TO AVOID GARNISHMENT (complete this section and return to the judgment creditor with the payment calculated)

To:
Judgment Creditor Name Judgment Creditor/Attorney Address

To avoid the garnishment of personal earnings of which you have given me notice, I enclose \$ _____ to apply toward my indebtedness to you. The amount of the payment was computed as follows:

- 1. Total amount of indebtedness demanded: (1)\$ _____
2. Enter the amount of your personal earnings, after deductions required by law, earned by you during the current pay period (that is, the pay period in which this demand is received by you): (2)\$ _____
3. (A) Enter your pay period (weekly, biweekly, semimonthly, monthly): (3)(A) _____
(B) Enter the date when your present pay period ends: (3)(B) _____
4. Enter an amount equal to 25% of the amount on line (2): (4)\$ _____
5. (A) The current federal minimum hourly wage is (filled in by Judgment Creditor) \$ _____. (You should use the above figure to complete this portion of the form.) If you are paid weekly, enter thirty times the current federal minimum hourly wage; if paid biweekly, enter sixty times the current federal minimum hourly wage; if paid semimonthly, enter sixty-five times the current federal minimum hourly wage; if paid monthly, enter one hundred thirty times the current federal minimum hourly wage: (5)(A)\$ _____
(B) Enter the amount by which the amount on line (2) exceeds the amount on line 5(A): (5)(B)\$ _____
6. Enter the smallest of the amounts on line (1), (4), or 5(B). Send this amount to the judgment creditor along with this form after you have signed it: (6)\$ _____

I certify that the statements contained above are true to the best of my knowledge and belief.

[] A check in this box certifies that I have attached copies of my pay stubs for the two pay periods immediately prior to my receiving this notice.

X
Signature, Judgment Debtor Judgment Debtor Address

(To verify that the amount shown on line (2) is a true statement of your earnings, you must either have your employer certify below that the amount shown on line (2) is a true statement of your earnings or you may submit copies of your pay stubs for the two pay periods immediately prior to your receiving this notice.)

I certify that the amount shown on line (2) is a true statement of the judgment debtor's earnings. (Not required if pay stubs attached as shown above.)

X
Signature of Employer of Judgment Debtor Employer (print name) position