

IN THE DAYTON MUNICIPAL COURT CIVIL DIVISION

P.O. Box 10700, Dayton, Ohio 45402

Revised 9/30/08

AFFIDAVIT; ORDER AND NOTICE OF GARNISHMENT OF PROPERTY OTHER THAN PERSONAL EARNINGS AND ANSWER OF GARNISHEE (R.C. 2716.11 and 2716.13)

\_\_\_\_\_

Case No. \_\_\_\_\_

JUDGMENT CREDITOR

Exec. No. \_\_\_\_\_

-vs-

\_\_\_\_\_

(The debt collector is attempting to collect a debt and any information obtained will be used for that purpose).

JUDGMENT DEBTOR

LAST FOUR DIGITS OF DEBTOR'S SS# \_\_\_\_\_

AFFIDAVIT

STATE OF OHIO, COUNTY OF MONTGOMERY, SS.:

I, the Affiant, first duly cautioned and sworn, deposes that I am the Judgment Creditor and, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I duly recovered a judgment against the Judgment Debtor named above in the Court of \_\_\_\_\_

and that the Garnishee Named \_\_\_\_\_

Whose Address is: \_\_\_\_\_

may have in the Garnishee's hands or control money, property, or credits, other than personal earnings, of the Judgment Debtor. Said property is described as follows:

\_\_\_\_\_

ATTORNEY FOR JUDGMENT CREDITOR

AFFIANT \_\_\_\_\_

Sworn to and subscribed before me

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

NOTARY PUBLIC

SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT

TO: \_\_\_\_\_ 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 the "ANSWER OF GARNISHEE" in section (B) on the back 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" within five (5) business days after you receive this Order of Garnishment. Deliver one completed and signed copy of this form to the Judgment Debtor. 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 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 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.

DATE \_\_\_\_\_

JUDGE or MAGISTRATE \_\_\_\_\_

**SECTION B. ANSWER OF GARNISHEE**

Now comes \_\_\_\_\_ the GARNISHEE, who says:

1. That the Garnishee **has more than \$400** in money, property, or credits, other than personal earnings, of the judgment debtor under the Garnishee's control and in the Garnishee's possession.

**NO**       **YES**      IF YES, **AMOUNT OVER \$400:** \$ \_\_\_\_\_

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 Mark E. Owens, Clerk of Court, Dayton Municipal Court, P.O. Box 10700, Dayton, Ohio 45402.

4. If the answer to line 1 is "yes" and the amount is greater than that 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 Mark E. Owens, Clerk of Court, Dayton Municipal Court, P.O. Box 10700, Dayton, Ohio 45402.

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 Court, indicate that by placing an "X" in this Box:

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 Court, Dayton Municipal Court, P.O. Box 10700, Dayton, Ohio 45402.

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)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Phone

Three copies of the Affidavit, Garnishment Order, and Answer of Garnishee were served pursuant to R.C. 2716.13 upon the Garnishee or an officer or managing or general agent of the Garnishee.