

FAIRFIELD COUNTY MUNICIPAL COURT
GARNISHMENT: AFFIDAVIT OF CURRENT BALANCE DUE PROCEDURES

1. The judgment creditor or attorney must file annually an Affidavit of Current Balance Due with the court, garnishee and judgment debtor. (§2716.031A) No court costs can be assessed for filing the affidavit (§2716.031D)
2. The affidavit of current balance due may be filed at any time after the filing of the original affidavit of garnishment. (§2716.031B)
3. The judgment creditor or attorney shall serve the affidavit upon the judgment debtor by personal service, certified mail or regular mail with certificate of mailing, to the last known address. A certificate of service upon the judgment debtor shall be attached to each affidavit of current balance due. (§2716.031C). The certificate of service should also include service on the garnishee. The judgment creditor or attorney must also serve the judgment debtor with the Notice and Request for Hearing (§2716.031E1), accompanied by a postage paid, self addressed stamped envelope (§2716.031E2B), addressed to the court.
4. The judgment debtor must file the request for hearing within 5 business days of receipt. A hearing will be scheduled within 12 days, unless the judgment debtor has indicated the need for the hearing is an emergency. The hearing would then be scheduled as soon as practicable. (§2716.031F)
5. If the judgment debtor files a request for hearing, the Clerk's Office will send a notice of the hearing date and time by regular mail, to the judgment debtor, creditor or attorney (§2716.031H)

6. §2716.031G, Hearing Procedures:

If the judgment debtor does not request a hearing, the garnishee shall continue to pay into the court.

If a hearing is held, the court shall determine at the hearing, the amount owed and issue an order to the garnishee. The Clerk's Office would forward any order(s).

If the court determines that the judgment debtor has overpaid on the judgment, the court shall issue an order to the judgment creditor to pay the judgment debtor and issue an order terminating the garnishment.

If the court determines the judgment has been satisfied, the court shall issue an order terminating the garnishment.

FAIRFIELD COUNTY MUNICIPAL COURT
104 E. MAIN STREET, PO BOX 2390
LANCASTER, OHIO 43130-5390
(740) 687-6621

Judgment Creditor(s)

**AFFIDAVIT OF CURRENT BALANCE DUE
ON GARNISHMENT ORDER**

vs

Case No _____

Judgment Debtor(s)

STATE OF OHIO

COUNTY, SS:

The undersigned, being first duly cautioned and sworn, or affirmed, according to law, says:

- 1) That I am the attorney/judgment creditor herein who heretofore recovered, or certified, a judgment in the Fairfield County Municipal Court, against the judgment debtor named above;
- 2) The original amount of of the judgment that is the basis of the garnishment order is: \$ _____
- 3) The accrued interest amount to date is: \$ _____
- 4) The court costs assessed to date: \$ _____
- 5) The amount of moneys paid to the attorney/judgment creditor to date: \$ _____
- 6) The current balance due to date: \$ _____

Date

Signature of Judgment Creditor or Attorney

Address

City, State, Zip Code

Sworn to and subscribed before me on:

Date

Notary Public

FAIRFIELD COUNTY MUNICIPAL COURT
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Case No. _____

Judgment Creditor(s)

vs

Judgment Debtor(s)

NOTICE TO THE JUDGMENT DEBTOR

You are hereby notified that the judgment creditor in this proceeding has issued an Affidavit of Current Balance Due on Garnishment Order in the above case. The document entitled "Affidavit of Current Balance Due on Garnishment Order" that is enclosed with this notice shows the original amount of the judgment that was the basis of the garnishment order, the accrued interest to date, the court costs assessed to date, all moneys paid to the judgment creditor and the judgment creditor's attorney on the judgment to date, and the current balance due on the judgment.

If you dispute the judgment creditor's determination of these amounts or if you believe that this affidavit is improper for any other reason, you may request a hearing before this court by disputing the affidavit 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 determination of the amount shown in the "Affidavit of Current Balance Due on Garnishment Order" 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 determination, 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.** The hearing will be limited to a consideration of the amount currently due on the judgment you owe to the judgment creditor.

If you request a hearing by delivering your request for hearing not later than the end of the fifth business day after you receive this notice, the court will conduct the hearing no later than twelve days after your request is received by the court, and the court will send you notice of the date, time, and place. You may indicate on the form that you believe that the need for the hearing is an emergency and that it should be given priority by the court. If you do so, the court will schedule the hearing as soon as practicable after your request is received and will send you notice of the date, time, and place. If you do not request a hearing by delivering your request for hearing not later than the end of the fifth business day after you receive this notice, some of your personal earnings will continue to be paid to the judgment creditor until the judgment is satisfied.

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, you should contact the local bar association.

Date

Name of Judgment Creditor or Judgment Creditor's Attorney

REQUEST FOR HEARING

I dispute the judgment creditor's determination of current balance due on garnishment order in the above case and request that a hearing in this matter be held not later than twelve days after delivery of this request to the court.

I _____ believe that the need for the hearing is an emergency. I dispute the judgment creditor's determination
(Insert "do" or "do not")
for the following reasons: _____

(Optional)

I UNDERSTAND THAT NO OBJECTIONS TO THE JUDGMENT ITSELF WILL BE CONSIDERED AT THE HEARING.

Date

Name of Judgment Debtor

Signature

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, YOU WAIVE YOUR RIGHT TO A HEARING, AND SOME OF YOUR PERSONAL EARNINGS WILL CONTINUE TO BE PAID TO THE ABOVE NAMED JUDGMENT CREDITOR IN SATISFACTION OF YOUR DEBT TO THE JUDGMENT CREDITOR.

(Eff 8.29.2000)