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Senator Seitz

**Cosponsors: Senators Cates, Jacobson, Mumper, Niehaus, Schuler, Spada,
Wagoner, Bocchieri, Cafaro, Fedor, Kearney, Mason, Miller, D., Morano,
Roberts, Sawyer, Carey, Goodman, Harris, Miller, R., Schaffer, Smith, Wilson**

—

A B I L L

To amend sections 2329.66, 2716.02, 2716.03, 2716.05, 1
2716.11, and 2716.13 of the Revised Code to 2
increase the exemptions for property that a debtor 3
may hold exempt from execution, garnishment, 4
attachment, or sale for the satisfaction of a 5
judgment or order to reflect the higher exemptions 6
available for such property under the United 7
States Bankruptcy Code and to provide for 8
automatic adjustments to those exemptions based on 9
changes in the Consumer Price Index and to modify 10
the garnishment procedure. 11

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2329.66, 2716.02, 2716.03, 2716.05, 12
2716.11, and 2716.13 of the Revised Code be amended to read as 13
follows: 14

Sec. 2329.66. (A) Every person who is domiciled in this state 15
may hold property exempt from execution, garnishment, attachment, 16
or sale to satisfy a judgment or order, as follows: 17

(1)(a) In the case of a judgment or order regarding money 18
owed for health care services rendered or health care supplies 19
provided to the person or a dependent of the person, one parcel or 20
item of real or personal property that the person or a dependent 21
of the person uses as a residence. Division (A)(1)(a) of this 22
section does not preclude, affect, or invalidate the creation 23
under this chapter of a judgment lien upon the exempted property 24
but only delays the enforcement of the lien until the property is 25
sold or otherwise transferred by the owner or in accordance with 26
other applicable laws to a person or entity other than the 27
surviving spouse or surviving minor children of the judgment 28
debtor. Every person who is domiciled in this state may hold 29
exempt from a judgment lien created pursuant to division (A)(1)(a) 30
of this section the person's interest, not to exceed ~~five~~ twenty 31
thousand two hundred dollars, in the exempted property. 32

(b) In the case of all other judgments and orders, the 33
person's interest, not to exceed ~~five~~ twenty thousand two hundred 34
dollars, in one parcel or item of real or personal property that 35
the person or a dependent of the person uses as a residence. 36

(2) The person's interest, not to exceed ~~one~~ three thousand 37
two hundred twenty-five dollars, in one motor vehicle; 38

~~(3) The person's interest, not to exceed two hundred dollars 39
in any particular item, in wearing apparel, beds, and bedding, and 40
the person's interest, not to exceed three hundred dollars in each 41
item, in one cooking unit and one refrigerator or other food 42
preservation unit; 43~~

~~(4)(a)~~ The person's interest, not to exceed four hundred 44
dollars, in cash on hand, money due and payable, money to become 45
due within ninety days, tax refunds, and money on deposit with a 46
bank, savings and loan association, credit union, public utility, 47
landlord, or other person. Division (A)~~(4)~~(a)(3) of this section 48
applies only in bankruptcy proceedings. This exemption may include 49

the portion of personal earnings that is not exempt under division (A)(13) of this section. 50
51

~~(b) Subject to division (A)(4)(d) of this section, the (4)(a)~~ 52
The person's interest, not to exceed ~~two~~ five hundred twenty-five 53
dollars in any particular item or ten thousand seven hundred 54
seventy-five dollars in aggregate value, in household furnishings, 55
household goods, wearing apparel, appliances, books, animals, 56
crops, musical instruments, firearms, and hunting and fishing 57
equipment, that are held primarily for the personal, family, or 58
household use of the person; 59

~~(c) Subject to division (A)(4)(d) of this section, the (b)~~ 60
The person's aggregate interest in one or more items of jewelry, 61
not to exceed ~~four~~ one thousand three hundred fifty dollars ~~in one~~ 62
~~item of jewelry and not to exceed two hundred dollars in every~~ 63
~~other item of jewelry;~~ 64

~~(d) Divisions (A)(4)(b) and (c) of this section do not~~ 65
~~include items of personal property listed in division (A)(3) of~~ 66
~~this section.~~ 67

~~If the person does not claim an exemption under division~~ 68
~~(A)(1) of this section, the total exemption claimed under division~~ 69
~~(A)(4)(b) of this section shall be added to the total exemption~~ 70
~~claimed under division (A)(4)(c) of this section, and the total~~ 71
~~shall not exceed two thousand dollars. If the person claims an~~ 72
~~exemption under division (A)(1) of this section, the total~~ 73
~~exemption claimed under division (A)(4)(b) of this section shall~~ 74
~~be added to the total exemption claimed under division (A)(4)(c)~~ 75
~~of this section, and the total shall not exceed one thousand five~~ 76
~~hundred dollars, held primarily for the personal, family, or~~ 77
household use of the person or any of the person's dependents. 78

(5) The person's interest, not to exceed an aggregate of 79
~~seven hundred fifty~~ two thousand twenty-five dollars, in all 80

implements, professional books, or tools of the person's	81
profession, trade, or business, including agriculture;	82
(6)(a) The person's interest in a beneficiary fund set apart,	83
appropriated, or paid by a benevolent association or society, as	84
exempted by section 2329.63 of the Revised Code;	85
(b) The person's interest in contracts of life or endowment	86
insurance or annuities, as exempted by section 3911.10 of the	87
Revised Code;	88
(c) The person's interest in a policy of group insurance or	89
the proceeds of a policy of group insurance, as exempted by	90
section 3917.05 of the Revised Code;	91
(d) The person's interest in money, benefits, charity,	92
relief, or aid to be paid, provided, or rendered by a fraternal	93
benefit society, as exempted by section 3921.18 of the Revised	94
Code;	95
(e) The person's interest in the portion of benefits under	96
policies of sickness and accident insurance and in lump sum	97
payments for dismemberment and other losses insured under those	98
policies, as exempted by section 3923.19 of the Revised Code.	99
(7) The person's professionally prescribed or medically	100
necessary health aids;	101
(8) The person's interest in a burial lot, including, but not	102
limited to, exemptions under section 517.09 or 1721.07 of the	103
Revised Code;	104
(9) The person's interest in the following:	105
(a) Moneys paid or payable for living maintenance or rights,	106
as exempted by section 3304.19 of the Revised Code;	107
(b) Workers' compensation, as exempted by section 4123.67 of	108
the Revised Code;	109
(c) Unemployment compensation benefits, as exempted by	110

section 4141.32 of the Revised Code; 111

(d) Cash assistance payments under the Ohio works first 112
program, as exempted by section 5107.75 of the Revised Code; 113

(e) Benefits and services under the prevention, retention, 114
and contingency program, as exempted by section 5108.08 of the 115
Revised Code; 116

(f) Disability financial assistance payments, as exempted by 117
section 5115.06 of the Revised Code. 118

(10)(a) Except in cases in which the person was convicted of 119
or pleaded guilty to a violation of section 2921.41 of the Revised 120
Code and in which an order for the withholding of restitution from 121
payments was issued under division (C)(2)(b) of that section or in 122
cases in which an order for withholding was issued under section 123
2907.15 of the Revised Code, and only to the extent provided in 124
the order, and except as provided in sections 3105.171, 3105.63, 125
3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised 126
Code, the person's right to a pension, benefit, annuity, 127
retirement allowance, or accumulated contributions, the person's 128
right to a participant account in any deferred compensation 129
program offered by the Ohio public employees deferred compensation 130
board, a government unit, or a municipal corporation, or the 131
person's other accrued or accruing rights, as exempted by section 132
145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of 133
the Revised Code, and the person's right to benefits from the Ohio 134
public safety officers death benefit fund; 135

(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 136
3121.03, and 3123.06 of the Revised Code, the person's right to 137
receive a payment under any pension, annuity, or similar plan or 138
contract, not including a payment from a stock bonus or 139
profit-sharing plan or a payment included in division (A)(6)(b) or 140
(10)(a) of this section, on account of illness, disability, death, 141

age, or length of service, to the extent reasonably necessary for 142
the support of the person and any of the person's dependents, 143
except if all the following apply: 144

(i) The plan or contract was established by or under the 145
auspices of an insider that employed the person at the time the 146
person's rights under the plan or contract arose. 147

(ii) The payment is on account of age or length of service. 148

(iii) The plan or contract is not qualified under the 149
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 150
amended. 151

(c) Except for any portion of the assets that were deposited 152
for the purpose of evading the payment of any debt and except as 153
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 154
3123.06 of the Revised Code, the person's right in the assets held 155
in, or to receive any payment under, any individual retirement 156
account, individual retirement annuity, "Roth IRA," or education 157
individual retirement account that provides benefits by reason of 158
illness, disability, death, or age, to the extent that the assets, 159
payments, or benefits described in division (A)(10)(c) of this 160
section are attributable to any of the following: 161

(i) Contributions of the person that were less than or equal 162
to the applicable limits on deductible contributions to an 163
individual retirement account or individual retirement annuity in 164
the year that the contributions were made, whether or not the 165
person was eligible to deduct the contributions on the person's 166
federal tax return for the year in which the contributions were 167
made; 168

(ii) Contributions of the person that were less than or equal 169
to the applicable limits on contributions to a Roth IRA or 170
education individual retirement account in the year that the 171
contributions were made; 172

(iii) Contributions of the person that are within the applicable limits on rollover contributions under subsections 219, 402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.

(d) Except for any portion of the assets that were deposited for the purpose of evading the payment of any debt and except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's right in the assets held in, or to receive any payment under, any Keogh or "H.R. 10" plan that provides benefits by reason of illness, disability, death, or age, to the extent reasonably necessary for the support of the person and any of the person's dependents.

(11) The person's right to receive spousal support, child support, an allowance, or other maintenance to the extent reasonably necessary for the support of the person and any of the person's dependents;

(12) The person's right to receive, or moneys received during the preceding twelve calendar months from, any of the following:

(a) An award of reparations under sections 2743.51 to 2743.72 of the Revised Code, to the extent exempted by division (D) of section 2743.66 of the Revised Code;

(b) A payment on account of the wrongful death of an individual of whom the person was a dependent on the date of the individual's death, to the extent reasonably necessary for the support of the person and any of the person's dependents;

(c) Except in cases in which the person who receives the payment is an inmate, as defined in section 2969.21 of the Revised Code, and in which the payment resulted from a civil action or appeal against a government entity or employee, as defined in section 2969.21 of the Revised Code, a payment, not to exceed five

twenty thousand two hundred dollars, on account of personal bodily injury, not including pain and suffering or compensation for actual pecuniary loss, of the person or an individual for whom the person is a dependent;

(d) A payment in compensation for loss of future earnings of the person or an individual of whom the person is or was a dependent, to the extent reasonably necessary for the support of the debtor and any of the debtor's dependents.

(13) Except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, personal earnings of the person owed to the person for services in an amount equal to the greater of the following amounts:

(a) If paid weekly, thirty times the current federal minimum hourly wage; if paid biweekly, sixty times the current federal minimum hourly wage; if paid semimonthly, sixty-five times the current federal minimum hourly wage; or if paid monthly, one hundred thirty times the current federal minimum hourly wage that is in effect at the time the earnings are payable, as prescribed by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C. 206(a)(1), as amended;

(b) Seventy-five per cent of the disposable earnings owed to the person.

(14) The person's right in specific partnership property, as exempted by division (B)(3) of section 1775.24 of the Revised Code;

(15) A seal and official register of a notary public, as exempted by section 147.04 of the Revised Code;

(16) The person's interest in a tuition unit or a payment under section 3334.09 of the Revised Code pursuant to a tuition payment contract, as exempted by section 3334.15 of the Revised Code;

(17) Any other property that is specifically exempted from 235
execution, attachment, garnishment, or sale by federal statutes 236
other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 237
U.S.C.A. 101, as amended; 238

(18) The person's aggregate interest in any property, not to 239
exceed ~~four hundred~~ one thousand seventy-five dollars, ~~in any~~ 240
~~property and any unused amount, not to exceed ten thousand one~~ 241
hundred twenty-five dollars, of the exemption provided under 242
division (A)(1) of this section, except that division (A)(18) of 243
this section applies only in bankruptcy proceedings. 244

(B) On April 1, 2010, and on the first day of April in each 245
third calendar year after 2010, each dollar amount set forth in 246
this section shall be adjusted, when determining the amount that 247
is exempt from execution, garnishment, attachment, or sale 248
pursuant to this section, to reflect the change in the consumer 249
price index for all urban consumers, as published by the United 250
States department of labor, or, if that index is no longer 251
published, a generally available comparable index, for the 252
three-year period ending on the thirty-first day of December of 253
the preceding year. Any adjustments required by this division 254
shall be rounded to the nearest twenty-five dollars. 255

(C) As used in this section: 256

(1) "Disposable earnings" means net earnings after the 257
garnishee has made deductions required by law, excluding the 258
deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 259
3121.03, or 3123.06 of the Revised Code. 260

(2) "Insider" means: 261

(a) If the person who claims an exemption is an individual, a 262
relative of the individual, a relative of a general partner of the 263
individual, a partnership in which the individual is a general 264
partner, a general partner of the individual, or a corporation of 265

which the individual is a director, officer, or in control; 266

(b) If the person who claims an exemption is a corporation, a 267
director or officer of the corporation; a person in control of the 268
corporation; a partnership in which the corporation is a general 269
partner; a general partner of the corporation; or a relative of a 270
general partner, director, officer, or person in control of the 271
corporation; 272

(c) If the person who claims an exemption is a partnership, a 273
general partner in the partnership; a general partner of the 274
partnership; a person in control of the partnership; a partnership 275
in which the partnership is a general partner; or a relative in, a 276
general partner of, or a person in control of the partnership; 277

(d) An entity or person to which or whom any of the following 278
applies: 279

(i) The entity directly or indirectly owns, controls, or 280
holds with power to vote, twenty per cent or more of the 281
outstanding voting securities of the person who claims an 282
exemption, unless the entity holds the securities in a fiduciary 283
or agency capacity without sole discretionary power to vote the 284
securities or holds the securities solely to secure to debt and 285
the entity has not in fact exercised the power to vote. 286

(ii) The entity is a corporation, twenty per cent or more of 287
whose outstanding voting securities are directly or indirectly 288
owned, controlled, or held with power to vote, by the person who 289
claims an exemption or by an entity to which division 290
~~(B)~~(C)(2)(d)(i) of this section applies. 291

(iii) A person whose business is operated under a lease or 292
operating agreement by the person who claims an exemption, or a 293
person substantially all of whose business is operated under an 294
operating agreement with the person who claims an exemption. 295

(iv) The entity operates the business or all or substantially 296

all of the property of the person who claims an exemption under a 297
lease or operating agreement. 298

(e) An insider, as otherwise defined in this section, of a 299
person or entity to which division ~~(B)~~(C)(2)(d)(i), (ii), (iii), 300
or (iv) of this section applies, as if the person or entity were a 301
person who claims an exemption; 302

(f) A managing agent of the person who claims an exemption. 303

(3) "Participant account" has the same meaning as in section 304
148.01 of the Revised Code. 305

(4) "Government unit" has the same meaning as in section 306
148.06 of the Revised Code. 307

~~(C)~~(D) For purposes of this section, "interest" shall be 308
determined as follows: 309

(1) In bankruptcy proceedings, as of the date a petition is 310
filed with the bankruptcy court commencing a case under Title 11 311
of the United States Code; 312

(2) In all cases other than bankruptcy proceedings, as of the 313
date of an appraisal, if necessary under section 2329.68 of the 314
Revised Code, or the issuance of a writ of execution. 315

An interest, as determined under division ~~(C)~~(D)(1) or (2) of 316
this section, shall not include the amount of any lien otherwise 317
valid pursuant to section 2329.661 of the Revised Code. 318

Sec. 2716.02. (A) Any person seeking an order of garnishment 319
of personal earnings, after obtaining a judgment, shall make the 320
following demand in writing for the excess of the amount of the 321
judgment over the amount of personal earnings that may be exempt 322
from execution, garnishment, attachment, or sale to satisfy a 323
judgment or order, or for so much of the excess as will satisfy 324
the judgment. The demand shall be made after the judgment is 325
obtained and at least fifteen days and not more than forty-five 326

days before the order is sought by delivering it to the judgment debtor by personal service by the court, by sending it to the judgment debtor by certified mail, return receipt requested, or by sending it to the judgment debtor by regular mail evidenced by a properly completed and stamped certificate of mailing by regular mail, addressed to the judgment debtor's last known place of residence.

The demand shall be in substantially the following form:

"NOTICE OF COURT PROCEEDING TO COLLECT DEBT

Date of mailing or date of service by the court

To:

(Name of Judgment Debtor)

.....

(Last Known Residence Address of Judgment Debtor)

You owe the undersigned (Name of Judgment Creditor) \$....., including interest and court costs, for which a judgment was obtained against you or certified in the court on, payment of which is hereby demanded.

If you do not do one of the three things listed below within fifteen days of the date of the mailing of this notice or of its service by the court, we will go to court, unless we are otherwise precluded by law from doing so, and ask that your employer be ordered to withhold money from your earnings until the judgment is paid in full or, if applicable, is paid to a certain extent and to pay the withheld money to the court in satisfaction of your debt. This is called garnishment of personal earnings.

It is to your advantage to avoid garnishment of personal earnings because the placing of the extra burden on your employer possibly could cause you to lose your job.

YOU CAN AVOID THE GARNISHMENT BY DOING ONE OF THESE THREE

THINGS WITHIN THE FIFTEEN-DAY PERIOD:	358
(1) Pay to us the amount due;	359
(2) Complete the attached form entitled "Payment to Avoid Garnishment" and return it to us with the payment, if any, shown due on it; or	360 361 362
(3) Apply to your local municipal or county court or, if you are not a resident of Ohio, to the municipal or county court in whose jurisdiction your place of employment is located, for the appointment of a trustee to receive the part of your earnings that is not exempt from garnishment, and notify us that you have applied for the appointment of a trustee. You will be required to list your creditors, the amounts of their claims, and the amounts due on their claims, and the amount you then will pay to your trustee each payday will be divided among them until the debts are paid off. This can be to your advantage because in the meantime none of those creditors can garnish your wages.	363 364 365 366 367 368 369 370 371 372 373
You also may contact a budget and debt counseling service described in division (D) of section 2716.03 of the Revised Code for the purpose of entering into an agreement for debt scheduling. There may not be enough time to set up an agreement for debt scheduling in order to avoid a garnishment of your wages based upon this demand for payment, but entering into an agreement for debt scheduling might protect you from future garnishments of your wages. Under an agreement for debt scheduling, you will have to regularly pay a portion of your income to the service until the debts subject to the agreement are paid off. This portion of your income will be paid by the service to your creditors who are owed debts subject to the agreement. This can be to your advantage because these creditors cannot garnish your wages while you make your payments to the service on time.	374 375 376 377 378 379 380 381 382 383 384 385 386 387
.....	388

(Name of Judgment Creditor) 389
..... 390
(Signature of Judgment Creditor 391
or Judgment Creditor's Attorney) 392
..... 393
..... 394
..... 395
(Address of Judgment Creditor) 396

PAYMENT TO AVOID GARNISHMENT 397

To: 398
(Name of Judgment Creditor) 399
..... 400
..... 401
(Address of Judgment Creditor) 402

To avoid the garnishment of personal earnings of which you 403
have given me notice, I enclose \$ to apply toward 404
my indebtedness to you. The amount of the payment was computed as 405
follows: 406

1. Total amount of indebtedness demanded: (1) \$..... 407
2. Enter the amount of your personal earnings, 408
after deductions required by law, earned by 409
you during the current pay period (that is, 410
the pay period in which this demand is 411
received by you): (2) \$..... 412
3. (A) Enter your pay period (weekly, biweekly, 413
semimonthly, monthly): (3)(A) 414
(B) Enter the date when your present pay 415
period ends: (3)(B) 416
4. Enter an amount equal to 25% of the amount 417
on line (2): (4) 418
5. (A) The current federal minimum hourly wage 419
is (to be filled in by Judgment 420
Creditor) (You should use the above figure 421

to complete this portion of the form.)	422
If you are paid weekly, enter thirty	423
times the current federal minimum hourly	424
wage; if paid biweekly, enter sixty times	425
the current federal minimum hourly wage;	426
if paid semimonthly, enter sixty-five	427
times the current federal minimum	428
hourly wage; if paid monthly, enter	429
one hundred thirty times the current	430
federal minimum hourly wage:	(5)(A) 431
(B) Enter the amount by which the amount on	432
line (2) exceeds the amount on line 5(A):	(5)(B) 433
6. Enter the smallest of the amounts on line	434
(1), (4), or 5(B). Send this amount to the	435
judgment creditor along with this form after	436
you have signed it:	(6) \$. 437
I certify that the statements contained above are true to the	438
best of my knowledge and belief.	439
.....	440
(Signature of Judgment Debtor)	441
.....	442
.....	443
.....	444
(Print Name and Residence Address of	445
Judgment Debtor)	
(To verify that the amount shown on line (2) is a true	446
statement of your earnings, you must either have your employer	447
certify below that the amount shown on line (2) is a true	448
statement of your earnings or you may submit copies of your pay	449
stubs for the two pay periods immediately prior to your receiving	450
this notice.)	451
I certify that the amount shown on line (2) is a true	452

obtained by a judgment creditor by the filing of an affidavit in 484
writing made by the judgment creditor or the judgment creditor's 485
attorney setting forth all of the following: 486

(1) The name of the judgment debtor whose personal earnings 487
the judgment creditor seeks to garnish; 488

(2) ~~That the affiant has good reason to believe and does~~ 489
~~believe that the person, partnership, limited liability company,~~ 490
~~or corporation named in the affidavit as the garnishee is~~ The name 491
and address of the garnishee who may be an employer of the 492
judgment debtor and who may have personal earnings of the judgment 493
debtor ~~that are not exempt under section 2329.66 of the Revised~~ 494
~~Code;~~ 495

(3) That the demand in writing, as required by section 496
2716.02 of the Revised Code, has been made; 497

(4) That the payment demanded in the notice required by 498
section 2716.02 of the Revised Code has not been made, and a 499
sufficient portion of the payment demanded has not been made to 500
prevent the garnishment of personal earnings as described in 501
section 2716.02 of the Revised Code; 502

(5) That the affiant has no knowledge of any application by 503
the judgment debtor for the appointment of a trustee so as to 504
preclude the garnishment of the judgment debtor's personal 505
earnings; 506

(6) That the affiant has no knowledge that the debt to which 507
the affidavit pertains is the subject of a debt scheduling 508
agreement of a nature that precludes the garnishment of the 509
personal earnings of the judgment debtor under division (B) of 510
this section. 511

(B) No proceeding in garnishment of personal earnings shall 512
be brought against a judgment debtor for the collection of a debt 513
that is the subject of an agreement for debt scheduling between 514

the judgment debtor and a budget and debt counseling service, 515
unless any payment to be made by the judgment debtor, or by a 516
budget and debt counseling service to the judgment creditor under 517
the agreement for debt scheduling between the judgment debtor and 518
the budget and debt counseling service, is due and unpaid for more 519
than forty-five days after the date on which the payment became 520
due, or unless the judgment creditor previously was notified by 521
the service that the debt scheduling agreement between the 522
judgment debtor and the service was terminated. 523

(C) Upon a court's issuance of an order of garnishment of 524
personal earnings following a judgment creditor's filing of an 525
affidavit under this section and compliance with section 2716.04 526
of the Revised Code, the garnishee and the judgment debtor shall 527
be notified of the proceeding in garnishment of personal earnings 528
in accordance with sections 2716.05 and 2716.06 of the Revised 529
Code. 530

(D) As used in this chapter: 531

(1) A "budget and debt counseling service" or "service" means 532
a corporation organized under Chapter 1702. of the Revised Code 533
for the purpose of counseling consumers with respect to their 534
financial obligations and assisting them in dealing with their 535
creditors. 536

(2) "Debt scheduling" means counseling and assistance 537
provided to a consumer by a budget and debt counseling service 538
under all of the following circumstances: 539

(a) The counseling and assistance is manifested in an 540
agreement between the consumer and the service under which the 541
consumer regularly pays that portion of the consumer's income to 542
the service that has been determined not to be required for the 543
maintenance of health or the essentials of life. 544

(b) The payments are made to the service until the debts of 545

the consumer that are the subject of the agreement are fully 546
retired. 547

(c) The service has sent written notice, by certified mail, 548
return receipt requested, or by regular mail evidenced by a 549
properly completed and stamped certificate of mailing by regular 550
mail, to the creditors of the consumer that are disclosed by the 551
consumer to the service. The notice shall contain all of the 552
following: 553

(i) A statement of the consumer's intent to participate in 554
debt scheduling; 555

(ii) A summary of the consumer's income, proposed itemized 556
budget, schedule of creditors, and proposed debt retirement plan; 557

(iii) A statement of the particular creditor's duty to 558
respond, in writing, to the service regarding the consumer's 559
participation in debt scheduling within fifteen days after 560
receiving the notice. 561

(d) The debts of the consumer that are the subject of the 562
agreement for debt scheduling are determined as follows: 563

(i) Any debt owed to a creditor that was notified of the 564
consumer's intent to participate is a subject of the agreement if 565
the creditor responds to the service and enters into an agreement 566
with the service, pursuant to which the creditor agrees not to 567
attempt to collect the debts of the consumer as long as the 568
consumer regularly pays to the service the amount previously 569
agreed upon by the service and the consumer, and no payment to be 570
made by the judgment debtor to the service or by the service to 571
the creditor is due and unpaid for more than forty-five days after 572
the date on which the payment became due, as long as the debt 573
scheduling agreement between the consumer and the service has not 574
been terminated, and as long as the service regularly pays to the 575
creditor a mutually acceptable amount that is either the amount 576

agreed upon by the service and the creditor on the date they 577
entered into their original agreement or an amount agreed upon by 578
both the service and the creditor on a date after the date of the 579
original agreement. 580

(ii) Any debt owed to a creditor that was notified of the 581
consumer's intent to participate is a subject of the agreement if 582
the creditor does not respond to the service and state the 583
creditor's objection, in writing, to the consumer's participation 584
in debt scheduling within fifteen days after receiving notice of 585
the consumer's intention to do so; however, no debt that is 586
subject to a lien or security interest of any type, other than a 587
judgment lien or execution lien, shall be a subject of the 588
agreement unless the creditor specifically assents, in writing, to 589
the debt being a subject of the agreement. The creditor shall be 590
considered to have entered into an agreement of the type described 591
in division (D)(2)(d)(i) of this section, and the amount to be 592
regularly paid by the service to the creditor shall be an amount 593
determined to be reasonable by the service or an amount agreed 594
upon by both the service and the creditor on a date after the 595
expiration of the fifteen-day period. 596

(iii) Any debt owed to a creditor that was not notified of 597
the consumer's intent to participate, or a debt owed to a creditor 598
that was notified of the consumer's intent to participate and that 599
responded to the service and stated its objection, in writing, to 600
the consumer's participation in debt scheduling within fifteen 601
days after receiving notice of the consumer's intention to do so, 602
is not a subject of the agreement. 603

(e) The service agrees that, if the consumer fails to make a 604
payment under the agreement within forty-five days of its due date 605
or if the agreement is terminated, the service will notify each 606
creditor that is owed a debt that is subject to the agreement of 607
the failure or termination by regular mail within two business 608

days of the failure or termination, and the service provides that 609
notice in accordance with the agreement. 610

Sec. 2716.05. The garnishee shall be served, in the same 611
manner as a summons is served, with three copies of the order of 612
garnishment of personal earnings and of a written notice that the 613
garnishee answer as provided in division (E) of section 2716.041 614
of the Revised Code, this section, and section 2716.21 of the 615
Revised Code and with the garnishee's fee required by section 616
2716.04 of the Revised Code. The garnishee also shall be served, 617
at that time, with two copies of the notice to the judgment debtor 618
form and of the request for hearing form described in section 619
2716.06 of the Revised Code, one copy of the interim report and 620
answer form described in section 2716.07 of the Revised Code, one 621
copy of the employer guide to processing continuous orders of 622
garnishment, and one copy of the final report and answer form 623
described in section 2716.08 of the Revised Code. 624

A court of common pleas or municipal or county court that 625
issues an order of garnishment of personal earnings has 626
jurisdiction to serve process pursuant to this section upon a 627
garnishee who does not reside within the territorial jurisdiction 628
of the court. If the garnishee does not reside within the 629
territorial jurisdiction of the court that issued the order, the 630
process may be served upon the garnishee by the proper officer of 631
the county in which the garnishee resides or may be served upon 632
the garnishee by personal service by the court, by sending it to 633
the garnishee by certified mail, return receipt requested, or by 634
sending it to the garnishee by regular mail evidenced by a 635
properly completed and stamped certificate of mailing by regular 636
mail. 637

The order of garnishment of personal earnings shall bind the 638
personal earnings of the judgment debtor due from the garnishee at 639

the time of service in accordance with this section. The order of garnishment of personal earnings and notice to answer shall be in substantially the following form:

"ORDER AND NOTICE OF GARNISHMENT

AND ANSWER OF EMPLOYER

Docket No.

Case No.

In the Court

....., Ohio

The State of Ohio

County of, ss

....., Judgment Creditor

vs.

....., Judgment Debtor

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 owe the judgment debtor money for personal earnings and that ~~some of that money may not be exempt from garnishment under the laws of the State of Ohio or the laws of the United States.~~

You are therefore ordered to complete the "ANSWER OF EMPLOYER (GARNISHEE)" in section B of this form. Return one completed and signed copy of this form to the clerk of this court within five (5) business days after you receive this order of garnishment. Deliver one completed and signed copy of this form and the accompanying documents entitled "NOTICE TO THE JUDGMENT DEBTOR" and "REQUEST FOR HEARING" 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 670
\$. The total probable amount now due includes 671
the unpaid portion of the judgment in favor of the judgment 672
creditor, which is \$.; interest on that judgment and, if 673
applicable, prejudgment interest relative to that judgment at the 674
rate of% per annum payable until that judgment is satisfied 675
in full; and court costs in the amount of \$.) 676

This order of garnishment of personal earnings is a 677
continuous order that generally requires you to withhold a 678
specified amount, calculated each pay period at the statutory 679
percentage, of the judgment debtor's personal disposable earnings 680
during each pay period, as determined in accordance with the 681
"INTERIM REPORT AND ANSWER OF GARNISHEE," from the judgment 682
debtor's personal disposable earnings during each pay period of 683
the judgment debtor commencing with the first full pay period 684
beginning after you receive the order until the judgment in favor 685
of the judgment creditor and the associated court costs, judgment 686
interest, and, if applicable, prejudgment interest awarded to the 687
judgment creditor as described above have been paid in full. You 688
generally must pay that specified amount, calculated each pay 689
period at the statutory percentage, to the clerk of this court 690
within thirty (30) days after the end of each pay period of the 691
judgment debtor and must include with that specified amount 692
calculated each pay period at the statutory percentage an "INTERIM 693
REPORT AND ANSWER OF GARNISHEE" substantially in the form set 694
forth in section 2716.07 of the Ohio Revised Code. A copy of the 695
"INTERIM REPORT AND ANSWER OF GARNISHEE" is attached to this order 696
of garnishment of personal earnings, and you may photocopy it to 697
use each time you pay the specified amount to the clerk of this 698
court. You are permitted to deduct a processing fee of up to three 699
dollars from the judgment debtor's personal disposable earnings 700
for any pay period of the judgment debtor that an amount was 701
withheld for that order (the processing fee is not a part of the 702

court costs). You are not required to file with the court the 703
"INTERIM REPORT AND ANSWER OF GARNISHEE" for any pay period of the 704
judgment debtor for which an amount from the judgment debtor's 705
personal disposable earnings during that pay period was not 706
withheld for that order. 707

This order of garnishment of personal earnings generally will 708
remain in effect until one of the following occurs: 709

(1) The total probable amount due on the judgment as 710
described above is paid in full as a result of your withholding of 711
the specified amount, calculated each pay period at the statutory 712
percentage, from the judgment debtor's personal disposable 713
earnings during each pay period of the judgment debtor that 714
commenced with the first full pay period beginning after you 715
received the order. 716

(2) The judgment creditor or the judgment creditor's attorney 717
files with this court a written notice that the total probable 718
amount due on the judgment as described above has been satisfied 719
or the judgment creditor or the judgment creditor's attorney files 720
a written request to terminate this order of garnishment and 721
release you from the mandate of this order of garnishment. 722

(3) A municipal or county court appoints a trustee for the 723
judgment debtor and issues to you an order that stays this order 724
of garnishment of personal earnings. 725

(4) A federal bankruptcy court issues to you an order that 726
stays this order of garnishment of personal earnings. 727

(5) A municipal or county court or a court of common pleas 728
issues to you another order of garnishment of personal earnings 729
that relates to the judgment debtor and a different judgment 730
creditor, and Ohio or federal law provides the other order with a 731
higher priority than this order. 732

(6) A municipal or county court or a court of common pleas 733

issues to you another order of garnishment of personal earnings 734
that relates to the judgment debtor and a different judgment 735
creditor and that does not have a higher priority than this order. 736

(7) The judgment creditor or the judgment creditor's attorney 737
files with this court a written request to terminate and release 738
the order of garnishment, and as a result, the order of 739
garnishment will cease to remain in effect. 740

Under any of the circumstances listed above, you are required 741
to file with this court a "FINAL REPORT AND ANSWER OF GARNISHEE" 742
substantially in the form set forth in section 2716.08 of the Ohio 743
Revised Code. A copy of the "FINAL REPORT AND ANSWER OF GARNISHEE" 744
is attached to this order of garnishment of personal earnings. 745
Under the circumstances listed in (5) and (6) above, you must 746
cease processing this order of garnishment after the expiration of 747
the full pay period within which the one hundred eighty-second 748
(182) day after you began processing it falls. 749

Special stacking, priority of payment, and manner of payment 750
rules apply when a garnishee receives multiple orders of 751
garnishment with respect to the same judgment debtor. These rules 752
are set forth in section 2716.041 of the Ohio Revised Code. An 753
employer guide to processing continuous orders of garnishment is 754
included with this order of garnishment. You should become 755
familiar with these rules. 756

Witness my hand and the seal of this court this 757
day of, 758

.....

Judge

SECTION B. ANSWER OF EMPLOYER (GARNISHEE) 759

(An employer is one who is required to withhold payroll taxes out 760
of payments of personal earnings made to the judgment debtor.) 761

(Answer all pertinent questions) 762

Now comes, the employer			763
(garnishee) herein, who says:			764
1. This order of garnishment of personal			765
earnings was received on			766
	Yes	No	767
2. The judgment debtor is in my/our employ.			768
If answer is "No," give date of last			769
employment.	(2)		770
	Yes	No	771
3. (A) Is the debt to which this order of			772
garnishment of personal earnings pertains			773
the subject of an existing agreement for			774
debt scheduling between the judgment			775
debtor and a budget and debt counseling			776
service and has the judgment debtor			777
made every payment that was due under			778
the agreement for debt scheduling no			779
later than forty-five days after the			780
date on which the payment was due?	781
If the answer to both parts of this			782
question is "Yes," give all available			783
details of the agreement, sign this			784
form, and return it to the court.	3(A).....		785
.....			786
.....			787
	Yes	No	788
(B) Were you, on the date that you			789
received this order of garnishment of			790
personal earnings, withholding			791
moneys from the judgment debtor's			792
personal disposable earnings			793
pursuant to another order of			794
garnishment of personal earnings that			795

Ohio or federal law provides with a		796	
higher priority than this order of		797	
garnishment of personal earnings		798	
(such as a support order or Internal		799	
Revenue service <u>Service</u> levy)?	800	
If the answer to this question is		801	
"Yes," give the name of the court		802	
that issued the higher priority order,		803	
the associated case number, the date		804	
upon which you received that order,		805	
and the balance due to the relevant		806	
judgment creditor under that order.	3(B).....	807	
.....		808	
	Yes	No	809
(C) Did you receive prior to the date			810
that you received this order of			811
garnishment of personal earnings one			812
or more other orders of garnishment			813
of personal earnings that are not			814
described in question 3(B), and are			815
you currently processing one or more			816
of those orders for the statutorily			817
required time period or holding one or			818
more of those orders for processing			819
for a statutorily required period in			820
the sequence of their receipt by you?	821
If the answer to this question is			822
"Yes," give the name of the court			823
that issued each of those previously			824
received orders, the associated case			825
numbers, the date upon which you			826
received each of those orders, and			827
the balance due to the relevant			828

judgment creditor under each of 829
those orders. List first the previously 830
received order(s) that you are 831
currently processing, and list each 832
of the other previously received orders 833
in the sequence that you are required 834
to process them. 3(C)..... 835
..... 836
..... 837
..... 838

I certify that the statements above are true. 839
..... 840
(Print Name of Employer) 841
..... 842
(Print Name and Title of 843
Person Who Completed Form on 844
behalf of the Employer) 845

Signed 846
(Signature of Employer or Employer's Agent) 847

Dated this day of," 848

Section A of the form described in this section shall be 849
completed before service. Section B of the form shall be completed 850
by the garnishee, and the garnishee shall file one completed and 851
signed copy of the form with the clerk of the court as the 852
garnishee's answer. The garnishee may keep one completed and 853
signed copy of the form and shall deliver the other completed and 854
signed copy of the form to the judgment debtor not later than the 855
time that the garnishee otherwise would pay the judgment debtor 856
the personal earnings that the garnishee instead is paying to the 857
court. The garnishee also shall deliver at that time the two 858
copies of the notice to the judgment debtor form and of the 859
request for hearing form described in section 2716.06 of the 860

Revised Code that were served on the garnishee. 861

No employer shall discharge an employee solely because of the 862
successful garnishment of the employee's personal earnings by only 863
one judgment creditor in any twelve-month period. 864

If several affidavits seeking orders of garnishment of 865
personal earnings are filed against the same judgment debtor in 866
accordance with section 2716.03 of the Revised Code, the court 867
involved shall issue the requested orders in the same order in 868
which the clerk received the associated affidavits. 869

The garnishee also shall be served with a copy of the 870
employer guide to processing continuous orders of garnishment at 871
the same time that the forms as provided in this section are 872
served upon the garnishee. 873

Sec. 2716.11. A proceeding for garnishment of property, other 874
than personal earnings, may be commenced after a judgment has been 875
obtained by a judgment creditor by the filing of an affidavit in 876
writing made by the judgment creditor or the judgment creditor's 877
attorney setting forth all of the following: 878

(A) The name of the judgment debtor whose property, ~~other~~ 879
~~than personal earnings,~~ the judgment creditor seeks to garnish; 880

~~(B) That the affiant has a reasonable basis to believe that~~ 881
~~the person named in the affidavit as the garnishee may have~~ 882
~~property, other than personal earnings, of the judgment debtor~~ 883
~~that is not exempt under the law of this state or the United~~ 884
~~States;~~ 885

~~(C) A description of the property;~~ 886

(C) The name and address of the garnishee who may have in the 887
garnishee's hands or control money, property, or credits, other 888
than personal earnings, of the judgment debtor. 889

Sec. 2716.13. (A) Upon the filing of a proceeding in 890
garnishment of property, other than personal earnings, under 891
section 2716.11 of the Revised Code, the court shall cause the 892
matter to be set for hearing within twelve days after that filing. 893

(B) Upon the scheduling of a hearing relative to a proceeding 894
in garnishment of property, other than personal earnings, under 895
division (A) of this section, the clerk of the court immediately 896
shall issue to the garnishee three copies of the order of 897
garnishment of property, other than personal earnings, and of a 898
written notice that the garnishee answer as provided in section 899
2716.21 of the Revised Code and the garnishee's fee required by 900
section 2716.12 of the Revised Code. The copies of the order and 901
of the notice shall be served upon the garnishee in the same 902
manner as a summons is served and the clerk shall also mail a copy 903
of the order and notice of garnishment to the garnishee by 904
ordinary or regular mail service. The copies of the order and of 905
the notice shall not be served later than seven days prior to the 906
date on which the hearing is scheduled. The order shall bind the 907
property, other than personal earnings, of the judgment debtor in 908
the possession of the garnishee at the time of service. Any 909
garnishee that garnishes the property, other than personal 910
earnings, of a judgment debtor in good faith reliance upon the 911
order and notice of garnishment received by ordinary or regular 912
mail service shall not be liable for damages in any civil action. 913

The order of garnishment of property, other than personal 914
earnings, and notice to answer shall be in substantially the 915
following form: 916

"ORDER AND NOTICE OF GARNISHMENT 917
OF PROPERTY OTHER THAN PERSONAL EARNINGS 918
AND ANSWER OF GARNISHEE 919
Docket No. 920

Case No.	921
In the Court	922
....., Ohio	923
The State of Ohio	924
County of, ss	925
....., Judgment Creditor	926
vs.	927
....., Judgment Debtor	928
SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT	929
To:, Garnishee	930
The judgment creditor in the above case has filed an affidavit, satisfactory to the undersigned, in this Court stating that you <u>may</u> have money, property, or credits, other than personal earnings, in your hands or under your control that belong to the judgment debtor, and that some of the money, property, or credits may not be exempt from garnishment under the laws of the State of Ohio or the laws of the United States.	931 932 933 934 935 936 937
You are therefore ordered to complete the "ANSWER OF GARNISHEE" in section (B) 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" by the following date on which a hearing is tentatively scheduled relative to this order of garnishment: Deliver one completed and signed copy of this form to the judgment debtor prior to that date. Keep the other completed and signed copy of this form for your files.	938 939 940 941 942 943 944 945 946
The total probable amount now due on this judgment is \$..... The total probable amount now 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 relative to that judgment at the rate of	947 948 949 950 951

.....% per annum payable until that judgment is satisfied in full; 952
and court costs in the amount of \$..... 953

You also are ordered to hold safely anything of value that 954
belongs to the judgment debtor and that has to be paid to the 955
court, as determined under the "ANSWER OF GARNISHEE" in section 956
(B) of this form, but that is of such a nature that it cannot be 957
so delivered, until further order of the court. 958

Witness my hand and the seal of this court this 959
day of, 960

..... 961

Judge 962

SECTION B. ANSWER OF GARNISHEE 963

Now comes the garnishee, who says: 964

1. That the garnishee has money, property, or credits, other 965
than personal earnings, of the judgment debtor under the 966
garnishee's control and in the garnishee's possession. 967

..... 968

yes no if yes, amount 969

2. That property is described as: 970

3. If the answer to line 1 is "yes" and the amount is less 971
than the probable amount now due on the judgment, as indicated in 972
section (A) of this form, sign and return this form and pay the 973
amount of line 1 to the clerk of this court. 974

4. If the answer to line 1 is "yes" and the amount is greater 975
than that probable amount now due on the judgment, as indicated in 976
section (A) of this form, sign and return this form and pay that 977
probable amount now due to the clerk of this court. 978

5. If the answer to line 1 is "yes" but the money, property, 979
or credits are of such a nature that they cannot be delivered to 980
the clerk of the court, indicate that by placing an "X" in this 981

space:	Do not dispose of that money, property, or credits	982
or give them to anyone else until further order of the court.		983
6. If the answer to line 1 is "no," sign and return this form		984
to the clerk of this court.		985
I certify that the statements above are true.		986
.....		987
(Print Name of Garnishee)		988
.....		989
(Print Name and Title of		990
Person Who Completed Form)		991
Signed.....		992
(Signature of Person Completing Form)		993
Dated this	day of,"	994
Section A of the form described in this division shall be		995
completed before service. Section B of the form shall be completed		996
by the garnishee, and the garnishee shall file one completed and		997
signed copy of the form with the clerk of the court as the		998
garnishee's answer. The garnishee may keep one completed and		999
signed copy of the form and shall deliver the other completed and		1000
signed copy of the form to the judgment debtor.		1001
If several affidavits seeking orders of garnishment of		1002
property, other than personal earnings, are filed against the same		1003
judgment debtor in accordance with section 2716.11 of the Revised		1004
Code, the court involved shall issue the requested orders in the		1005
same order in which the clerk received the associated affidavits.		1006
(C)(1) At the time of the filing of a proceeding in		1007
garnishment of property, other than personal earnings, under		1008
section 2716.11 of the Revised Code, the judgment creditor also		1009
shall file with the clerk of the court a praecipe instructing the		1010
clerk to issue to the judgment debtor a notice to the judgment		1011
debtor form and a request for hearing form. Upon receipt of the		1012

praecipe and the scheduling of a hearing relative to an action in garnishment of property, other than personal earnings, under division (A) of this section, the clerk of the court immediately shall serve upon the judgment debtor, in accordance with division (D) of this section, two copies of the notice to the judgment debtor form and of the request for hearing form. The copies of the notice to the judgment debtor form and of the request for hearing form shall not be served later than seven days prior to the date on which the hearing is scheduled.

(a) The notice to the judgment debtor that must be served upon the judgment debtor shall be in substantially the following form:

"(Name and Address of the Court)

(Case Caption) Case No.

NOTICE TO THE JUDGMENT DEBTOR

You are hereby notified that this court has issued an order in the above case in favor of (name and address of judgment creditor), the judgment creditor in this proceeding, directing that some of your money, property, or credits, other than personal earnings, that now may be in the possession of (name and address of garnishee), the garnishee in this proceeding, be used to satisfy your debt to the judgment creditor. This order was issued on the basis of the judgment creditor's judgment against you that was obtained in (name of court) in (case number) on (date). Upon your receipt of this notice, you are prohibited from removing or attempting to remove the money, property, or credits until expressly permitted by the court. Any violation of this prohibition subjects you to punishment for contempt of court.

The law of Ohio and the United States provides that certain benefit payments cannot be taken from you to pay a debt. Typical among the benefits that cannot be attached or executed upon by a creditor are the following:

(1) Workers' compensation benefits;	1045
(2) Unemployment compensation payments;	1046
(3) Cash assistance payments under the Ohio works first program;	1047 1048
(4) Benefits and services under the prevention, retention, and contingency program;	1049 1050
(5) Disability financial assistance administered by the Ohio department of job and family services;	1051 1052
(6) Social security benefits;	1053
(7) Supplemental security income (S.S.I.);	1054
(8) Veteran's benefits;	1055
(9) Black lung benefits;	1056
(10) Certain pensions.	1057
There may be other benefits not included in the above list that apply in your case.	1058 1059
If you dispute the judgment creditor's right to garnish your property and believe that the judgment creditor should not be given your money, property, or credits, other than personal earnings, now in the possession of the garnishee because they are exempt or if you feel that this order is improper for any other reason, you may request a hearing before this court by disputing the claim 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 right to garnish your property 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 right, you are not prohibited from stating any other	1060 1061 1062 1063 1064 1065 1066 1067 1068 1069 1070 1071 1072 1073 1074

reason at the hearing. If you do not state your reasons, it will 1075
not be held against you by the court, and you can state your 1076
reasons at the hearing. NO OBJECTIONS TO THE JUDGMENT ITSELF WILL 1077
BE HEARD OR CONSIDERED AT THE HEARING. If you request a hearing, 1078
the hearing will be limited to a consideration of the amount of 1079
your money, property, or credits, other than personal earnings, in 1080
the possession or control of the garnishee, if any, that can be 1081
used to satisfy all or part of the judgment you owe to the 1082
judgment creditor. 1083

If you request a hearing by delivering your request for 1084
hearing no later than the end of the fifth business day after you 1085
receive this notice, it will be conducted in courtroom 1086
....., (address of court), at m. on, 1087
..... You may request the court to conduct the hearing before 1088
this date by indicating your request in the space provided on the 1089
form; the court then will send you notice of any change in the 1090
date, time, or place of the hearing. If you do not request a 1091
hearing by delivering your request for a hearing no later than the 1092
end of the fifth business day after you receive this notice, some 1093
of your money, property, or credits, other than personal earnings, 1094
will be paid to the judgment creditor. 1095

If you have any questions concerning this matter, you may 1096
contact the office of the clerk of this court. If you want legal 1097
representation, you should contact your lawyer immediately. If you 1098
need the name of a lawyer, contact the local bar association. 1099

..... 1100
Clerk of the Court 1101
..... 1102
Date" 1103

(b) The request for hearing form that must be served upon the 1104
judgment debtor shall have attached to it a postage-paid, 1105
self-addressed envelope or shall be on a postage-paid 1106

self-addressed postcard, and shall be in substantially the 1107
following form: 1108

"(Name and Address of Court) 1109

Case Number Date 1110

REQUEST FOR HEARING 1111

I dispute the judgment creditor's right to garnish my money, 1112
property, or credits, other than personal earnings, in the above 1113
case and request that a hearing in this matter be held 1114

..... 1115

(Insert "on" or "earlier than") 1116

the date and time set forth in the document entitled "NOTICE TO 1117
THE JUDGMENT DEBTOR" that I received with this request form. 1118

I dispute the judgment creditor's right to garnish my 1119
property for the following reasons: 1120

..... 1121

(Optional) 1122

..... 1123

..... 1124

I UNDERSTAND THAT NO OBJECTIONS TO THE JUDGMENT ITSELF WILL 1125
BE HEARD OR CONSIDERED AT THE HEARING. 1126

..... 1127

(Name of Judgment Debtor) 1128

..... 1129

(Signature) 1130

..... 1131

(Date) 1132

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A 1133
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK 1134
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, 1135
YOU WAIVE YOUR RIGHT TO A HEARING AND SOME OF YOUR MONEY, 1136

PROPERTY, OR CREDITS, OTHER THAN PERSONAL EARNINGS, NOW IN THE 1137
POSSESSION OF (GARNISHEE'S NAME) WILL BE PAID TO (JUDGMENT 1138
CREDITOR'S NAME) TO SATISFY SOME OF YOUR DEBT TO (JUDGMENT 1139
CREDITOR'S NAME). " 1140

(2) The judgment debtor may receive a hearing in accordance 1141
with this division by delivering a written request for hearing to 1142
the court within five business days after receipt of the notice 1143
provided pursuant to division (C)(1) of this section. The request 1144
may set forth the judgment debtor's reasons for disputing the 1145
judgment creditor's right to garnish the money, property, or 1146
credits, other than personal earnings; however, neither the 1147
judgment debtor's inclusion of nor failure to include those 1148
reasons upon the request constitutes a waiver of any defense of 1149
the judgment debtor or affects the judgment debtor's right to 1150
produce evidence at the hearing. If the request is made by the 1151
judgment debtor within the prescribed time, the hearing shall be 1152
limited to a consideration of the amount of money, property, or 1153
credits, other than personal earnings, of the judgment debtor in 1154
the hands of the garnishee, if any, that can be used to satisfy 1155
all or part of the debt owed by the judgment debtor to the 1156
judgment creditor. If a request for a hearing is not received by 1157
the court within the prescribed time, the hearing scheduled 1158
pursuant to division (A) of this section shall be canceled unless 1159
the court grants the judgment debtor a continuance in accordance 1160
with division (C)(3) of this section. 1161

(3) If the judgment debtor does not request a hearing in the 1162
action within the prescribed time pursuant to division (C)(2) of 1163
this section, the court nevertheless may grant a continuance of 1164
the scheduled hearing if the judgment debtor, prior to the time at 1165
which the hearing was scheduled, as indicated on the notice to the 1166
judgment debtor required by division (C)(1) of this section, 1167
establishes a reasonable justification for failure to request the 1168

hearing within the prescribed time. If the court grants a 1169
continuance of the hearing, it shall cause the matter to be set 1170
for hearing as soon as practicable thereafter. The continued 1171
hearing shall be conducted in accordance with division (C)(2) of 1172
this section. 1173

(4) The court may conduct the hearing on the matter prior to 1174
the time at which the hearing was scheduled, as indicated on the 1175
notice to the judgment debtor required by division (C)(1) of this 1176
section, upon the request of the judgment debtor. The parties 1177
shall be sent notice, by the clerk of the court, by regular mail, 1178
of any change in the date, time, or place of the hearing. 1179

(5) If the scheduled hearing is canceled and no continuance 1180
is granted, the court shall issue an order to the garnishee to pay 1181
all or some of the money, property, or credits, other than 1182
personal earnings, of the judgment debtor in the possession of the 1183
garnishee at the time of service of the notice and order into 1184
court if they have not already been paid to the court. This order 1185
shall be based on the answer of the garnishee filed pursuant to 1186
this section. If the scheduled hearing is conducted or if it is 1187
continued and conducted, the court shall determine at the hearing 1188
the amount of the money, property, or credits, other than personal 1189
earnings, of the judgment debtor in the possession of the 1190
garnishee at the time of service of the notice and order, if any, 1191
that can be used to satisfy all or part of the debt owed by the 1192
judgment debtor to the judgment creditor, and issue an order, 1193
accordingly, to the garnishee to pay that amount into court if it 1194
has not already been paid to the court. 1195

(D) The notice to the judgment debtor form and the request 1196
for hearing form described in division (C) of this section shall 1197
be sent by the clerk by ordinary or regular mail service unless 1198
the judgment creditor requests that service be made in accordance 1199
with the Rules of Civil Procedure, in which case the forms shall 1200

be served in accordance with the Rules of Civil Procedure. Any 1201
court of common pleas that issues an order of garnishment of 1202
property, other than personal earnings, under this section has 1203
jurisdiction to serve process pursuant to this section upon a 1204
garnishee who does not reside within the jurisdiction of the 1205
court. Any county court or municipal court that issues an order of 1206
garnishment of property, other than personal earnings, under this 1207
section has jurisdiction to serve process pursuant to this section 1208
upon a garnishee who does not reside within the jurisdiction of 1209
the court. 1210

Section 2. That existing sections 2329.66, 2716.02, 2716.03, 1211
2716.05, 2716.11, and 2716.13 of the Revised Code are hereby 1212
repealed. 1213