

**As Reported by the Senate Finance and Financial Institutions
Committee**

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Sub. S. B. No. 281

Senator Seitz

**Cosponsors: Senators Cates, Jacobson, Mumper, Niehaus, Schuler, Spada,
Wagoner, Bocchieri, Cafaro, Fedor, Kearney, Mason, Miller, D., Morano,
Roberts, Sawyer**

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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 50
(A)(13) of this section. 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 section 4141.32 of the Revised Code;	110 111
(d) Cash assistance payments under the Ohio works first program, as exempted by section 5107.75 of the Revised Code;	112 113
(e) Benefits and services under the prevention, retention, and contingency program, as exempted by section 5108.08 of the Revised Code;	114 115 116
(f) Disability financial assistance payments, as exempted by section 5115.06 of the Revised Code.	117 118
(10)(a) Except in cases in which the person was convicted of or pleaded guilty to a violation of section 2921.41 of the Revised Code and in which an order for the withholding of restitution from payments was issued under division (C)(2)(b) of that section or in cases in which an order for withholding was issued under section 2907.15 of the Revised Code, and only to the extent provided in the order, and except as provided in sections 3105.171, 3105.63, 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's right to a pension, benefit, annuity, retirement allowance, or accumulated contributions, the person's right to a participant account in any deferred compensation program offered by the Ohio public employees deferred compensation board, a government unit, or a municipal corporation, or the person's other accrued or accruing rights, as exempted by section 145.56, 146.13, 148.09, 742.47, 3307.41, 3309.66, or 5505.22 of the Revised Code, and the person's right to benefits from the Ohio public safety officers death benefit fund;	119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135
(b) Except as provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 3123.06 of the Revised Code, the person's right to receive a payment under any pension, annuity, or similar plan or contract, not including a payment from a stock bonus or	136 137 138 139

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 173
applicable limits on rollover contributions under subsections 219, 174
402(c), 403(a)(4), 403(b)(8), 408(b), 408(d)(3), 408A(c)(3)(B), 175
408A(d)(3), and 530(d)(5) of the "Internal Revenue Code of 1986," 176
100 Stat. 2085, 26 U.S.C.A. 1, as amended. 177

(d) Except for any portion of the assets that were deposited 178
for the purpose of evading the payment of any debt and except as 179
provided in sections 3119.80, 3119.81, 3121.02, 3121.03, and 180
3123.06 of the Revised Code, the person's right in the assets held 181
in, or to receive any payment under, any Keogh or "H.R. 10" plan 182
that provides benefits by reason of illness, disability, death, or 183
age, to the extent reasonably necessary for the support of the 184
person and any of the person's dependents. 185

(11) The person's right to receive spousal support, child 186
support, an allowance, or other maintenance to the extent 187
reasonably necessary for the support of the person and any of the 188
person's dependents; 189

(12) The person's right to receive, or moneys received during 190
the preceding twelve calendar months from, any of the following: 191

(a) An award of reparations under sections 2743.51 to 2743.72 192
of the Revised Code, to the extent exempted by division (D) of 193
section 2743.66 of the Revised Code; 194

(b) A payment on account of the wrongful death of an 195
individual of whom the person was a dependent on the date of the 196
individual's death, to the extent reasonably necessary for the 197
support of the person and any of the person's dependents; 198

(c) Except in cases in which the person who receives the 199
payment is an inmate, as defined in section 2969.21 of the Revised 200
Code, and in which the payment resulted from a civil action or 201

appeal against a government entity or employee, as defined in 202
section 2969.21 of the Revised Code, a payment, not to exceed ~~five~~ 203
twenty thousand two hundred dollars, on account of personal bodily 204
injury, not including pain and suffering or compensation for 205
actual pecuniary loss, of the person or an individual for whom the 206
person is a dependent; 207

(d) A payment in compensation for loss of future earnings of 208
the person or an individual of whom the person is or was a 209
dependent, to the extent reasonably necessary for the support of 210
the debtor and any of the debtor's dependents. 211

(13) Except as provided in sections 3119.80, 3119.81, 212
3121.02, 3121.03, and 3123.06 of the Revised Code, personal 213
earnings of the person owed to the person for services in an 214
amount equal to the greater of the following amounts: 215

(a) If paid weekly, thirty times the current federal minimum 216
hourly wage; if paid biweekly, sixty times the current federal 217
minimum hourly wage; if paid semimonthly, sixty-five times the 218
current federal minimum hourly wage; or if paid monthly, one 219
hundred thirty times the current federal minimum hourly wage that 220
is in effect at the time the earnings are payable, as prescribed 221
by the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 222
U.S.C. 206(a)(1), as amended; 223

(b) Seventy-five per cent of the disposable earnings owed to 224
the person. 225

(14) The person's right in specific partnership property, as 226
exempted by division (B)(3) of section 1775.24 of the Revised 227
Code; 228

(15) A seal and official register of a notary public, as 229
exempted by section 147.04 of the Revised Code; 230

(16) The person's interest in a tuition unit or a payment 231
under section 3334.09 of the Revised Code pursuant to a tuition 232

payment contract, as exempted by section 3334.15 of the Revised Code; 233
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(17) Any other property that is specifically exempted from execution, attachment, garnishment, or sale by federal statutes other than the "Bankruptcy Reform Act of 1978," 92 Stat. 2549, 11 U.S.C.A. 101, as amended; 235
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(18) The person's aggregate interest in any property, not to exceed ~~four hundred~~ one thousand seventy-five dollars, ~~in any property~~ and any unused amount, not to exceed ten thousand one hundred twenty-five dollars, of the exemption provided under division (A)(1) of this section, except that division (A)(18) of this section applies only in bankruptcy proceedings. 239
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(B) On April 1, 2010, and on the first day of April in each third calendar year after 2010, each dollar amount set forth in this section shall be adjusted, when determining the amount that is exempt from execution, garnishment, attachment, or sale pursuant to this section, to reflect the change in the consumer price index for all urban consumers, as published by the United States department of labor, or, if that index is no longer published, a generally available comparable index, for the three-year period ending on the thirty-first day of December of the preceding year. Any adjustments required by this division shall be rounded to the nearest twenty-five dollars. 245
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(C) As used in this section: 256

(1) "Disposable earnings" means net earnings after the garnishee has made deductions required by law, excluding the deductions ordered pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the Revised Code. 257
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(2) "Insider" means: 261

(a) If the person who claims an exemption is an individual, a relative of the individual, a relative of a general partner of the 262
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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 327
debtor by personal service by the court, by sending it to the 328
judgment debtor by certified mail, return receipt requested, or by 329
sending it to the judgment debtor by regular mail evidenced by a 330
properly completed and stamped certificate of mailing by regular 331
mail, addressed to the judgment debtor's last known place of 332
residence. 333

The demand shall be in substantially the following form: 334

"NOTICE OF COURT PROCEEDING TO COLLECT DEBT 335

Date of mailing or date of service by the court 336

To: 337

(Name of Judgment Debtor) 338

..... 339

(Last Known Residence Address of Judgment Debtor) 340

You owe the undersigned (Name of 341
Judgment Creditor) \$....., including interest and court 342
costs, for which a judgment was obtained against you or certified 343
in the court on, payment of which is hereby 344
demanded. 345

If you do not do one of the three things listed below within 346
fifteen days of the date of the mailing of this notice or of its 347
service by the court, we will go to court, unless we are otherwise 348
precluded by law from doing so, and ask that your employer be 349
ordered to withhold money from your earnings until the judgment is 350
paid in full or, if applicable, is paid to a certain extent and to 351
pay the withheld money to the court in satisfaction of your debt. 352
This is called garnishment of personal earnings. 353

It is to your advantage to avoid garnishment of personal 354

earnings because the placing of the extra burden on your employer 355
possibly could cause you to lose your job. 356

YOU CAN AVOID THE GARNISHMENT BY DOING ONE OF THESE THREE 357
THINGS WITHIN THE FIFTEEN-DAY PERIOD: 358

(1) Pay to us the amount due; 359

(2) Complete the attached form entitled "Payment to Avoid 360
Garnishment" and return it to us with the payment, if any, shown 361
due on it; or 362

(3) Apply to your local municipal or county court or, if you 363
are not a resident of Ohio, to the municipal or county court in 364
whose jurisdiction your place of employment is located, for the 365
appointment of a trustee to receive the part of your earnings that 366
is not exempt from garnishment, and notify us that you have 367
applied for the appointment of a trustee. You will be required to 368
list your creditors, the amounts of their claims, and the amounts 369
due on their claims, and the amount you then will pay to your 370
trustee each payday will be divided among them until the debts are 371
paid off. This can be to your advantage because in the meantime 372
none of those creditors can garnish your wages. 373

You also may contact a budget and debt counseling service 374
described in division (D) of section 2716.03 of the Revised Code 375
for the purpose of entering into an agreement for debt scheduling. 376
There may not be enough time to set up an agreement for debt 377
scheduling in order to avoid a garnishment of your wages based 378
upon this demand for payment, but entering into an agreement for 379
debt scheduling might protect you from future garnishments of your 380
wages. Under an agreement for debt scheduling, you will have to 381
regularly pay a portion of your income to the service until the 382
debts subject to the agreement are paid off. This portion of your 383
income will be paid by the service to your creditors who are owed 384
debts subject to the agreement. This can be to your advantage 385

because these creditors cannot garnish your wages while you make	386
your payments to the service on time.	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
statement of the judgment debtor's earnings. 453

..... 454

(Print Name of Employer) 455

..... 456

(Signature of Employer or Agent) 457

I certify that I have attached copies of my pay stubs for the 458
two pay periods immediately prior to my receiving this notice. 459

..... 460

(Signature of Judgment Debtor)" 461

(B) If a judgment debtor properly completes a payment to 462
avoid garnishment and returns it with the required funds to the 463
judgment creditor or the judgment creditor's attorney, the 464
judgment creditor or the judgment creditor's attorney who issued 465
the notice of court proceeding to collect debt may not issue 466
another notice of court proceeding to collect debt to the judgment 467
debtor until the expiration date of the judgment debtor's present 468
pay period that is set forth by the judgment debtor and the 469
judgment debtor's employer in the answer to (3)(B) in the payment 470
to avoid garnishment. 471

(C) If an order of garnishment of personal earnings issued 472
pursuant to this chapter has not been paid in full when it ceases 473
to remain in effect because of the operation of division (C)(1) of 474
section 2716.041 of the Revised Code, the garnishee's duties under 475
the order of garnishment are complete with the filing of the final 476
report and answer of the garnishee. The judgment creditor must 477
institute new garnishment proceedings if the judgment creditor 478
wants an additional garnishment. 479

Sec. 2716.03. (A) Subject to the limitation on the 480

commencement of proceedings contained in division (B) of section 481
124.10 of the Revised Code, a proceeding in garnishment of 482
personal earnings may be commenced after a judgment has been 483
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 personal earnings of the judgment debtor due from the garnishee at 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 668
completed and signed copy of this form for your files. 669

(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 higher priority than this order.

(6) A municipal or county court or a court of common pleas issues to you another order of garnishment of personal earnings that relates to the judgment debtor and a different judgment creditor and that does not have a higher priority than this order.

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

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

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

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

.....
Judge

(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. 909

The order of garnishment of property, other than personal 910
earnings, and notice to answer shall be in substantially the 911
following form: 912

"ORDER AND NOTICE OF GARNISHMENT 913
OF PROPERTY OTHER THAN PERSONAL EARNINGS 914
AND ANSWER OF GARNISHEE 915
Docket No. 916
Case No. 917

In the	Court	918
....., Ohio		919
The State of Ohio		920
County of, ss		921
....., Judgment Creditor		922
vs.		923
....., Judgment Debtor		924
SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT		925
To:, Garnishee		926
The judgment creditor in the above case has filed an		927
affidavit, satisfactory to the undersigned, in this Court stating		928
that you <u>may</u> have money, property, or credits, other than personal		929
earnings, in your hands or under your control that belong to the		930
judgment debtor, and that some of the money, property, or credits		931
may not be exempt from garnishment under the laws of the State of		932
Ohio or the laws of the United States.		933
You are therefore ordered to complete the "ANSWER OF		934
GARNISHEE" in section (B) of this form. Return one completed and		935
signed copy of this form to the clerk of this court together with		936
the amount determined in accordance with the "ANSWER OF GARNISHEE"		937
by the following date on which a hearing is tentatively scheduled		938
relative to this order of garnishment: Deliver one		939
completed and signed copy of this form to the judgment debtor		940
prior to that date. Keep the other completed and signed copy of		941
this form for your files.		942
The total probable amount now due on this judgment is		943
\$..... The total probable amount now due includes the unpaid		944
portion of the judgment in favor of the judgment creditor, which		945
is \$.....; interest on that judgment and, if applicable,		946
prejudgment interest relative to that judgment at the rate of		947
.....% per annum payable until that judgment is satisfied in full;		948

and court costs in the amount of \$..... 949

You also are ordered to hold safely anything of value that 950
belongs to the judgment debtor and that has to be paid to the 951
court, as determined under the "ANSWER OF GARNISHEE" in section 952
(B) of this form, but that is of such a nature that it cannot be 953
so delivered, until further order of the court. 954

Witness my hand and the seal of this court this 955
day of, 956

..... 957

Judge 958

SECTION B. ANSWER OF GARNISHEE 959

Now comes the garnishee, who says: 960

1. That the garnishee has money, property, or credits, other 961
than personal earnings, of the judgment debtor under the 962
garnishee's control and in the garnishee's possession. 963

..... 964

yes no if yes, amount 965

2. That property is described as: 966

3. If the answer to line 1 is "yes" and the amount is less 967
than the probable amount now due on the judgment, as indicated in 968
section (A) of this form, sign and return this form and pay the 969
amount of line 1 to the clerk of this court. 970

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

5. If the answer to line 1 is "yes" but the money, property, 975
or credits are of such a nature that they cannot be delivered to 976
the clerk of the court, indicate that by placing an "X" in this 977
space: Do not dispose of that money, property, or credits 978

or give them to anyone else until further order of the court.	979
6. If the answer to line 1 is "no," sign and return this form to the clerk of this court.	980 981
I certify that the statements above are true.	982
.....	983
(Print Name of Garnishee)	984
.....	985
(Print Name and Title of Person Who Completed Form)	986 987
Signed.....	988
(Signature of Person Completing Form)	989
Dated this day of,"	990
Section A of the form described in this division shall be completed before service. Section B of the form shall be completed by the garnishee, and the garnishee shall file one completed and signed copy of the form with the clerk of the court as the garnishee's answer. The garnishee may keep one completed and signed copy of the form and shall deliver the other completed and signed copy of the form to the judgment debtor.	991 992 993 994 995 996 997
If several affidavits seeking orders of garnishment of property, other than personal earnings, are filed against the same judgment debtor in accordance with section 2716.11 of the Revised Code, the court involved shall issue the requested orders in the same order in which the clerk received the associated affidavits.	998 999 1000 1001 1002
(C)(1) At the time of the filing of a proceeding in garnishment of property, other than personal earnings, under section 2716.11 of the Revised Code, the judgment creditor also shall file with the clerk of the court a praecipe instructing the clerk to issue to the judgment debtor a notice to the judgment debtor form and a request for hearing form. Upon receipt of the praecipe and the scheduling of a hearing relative to an action in	1003 1004 1005 1006 1007 1008 1009

garnishment of property, other than personal earnings, under 1010
division (A) of this section, the clerk of the court immediately 1011
shall serve upon the judgment debtor, in accordance with division 1012
(D) of this section, two copies of the notice to the judgment 1013
debtor form and of the request for hearing form. The copies of the 1014
notice to the judgment debtor form and of the request for hearing 1015
form shall not be served later than seven days prior to the date 1016
on which the hearing is scheduled. 1017

(a) The notice to the judgment debtor that must be served 1018
upon the judgment debtor shall be in substantially the following 1019
form: 1020

"(Name and Address of the Court) 1021

(Case Caption) Case No. 1022

NOTICE TO THE JUDGMENT DEBTOR 1023

You are hereby notified that this court has issued an order 1024
in the above case in favor of (name and address of judgment 1025
creditor), the judgment creditor in this proceeding, directing 1026
that some of your money, property, or credits, other than personal 1027
earnings, that now may be in the possession of (name and address 1028
of garnishee), the garnishee in this proceeding, be used to 1029
satisfy your debt to the judgment creditor. This order was issued 1030
on the basis of the judgment creditor's judgment against you that 1031
was obtained in (name of court) in (case number) on (date). Upon 1032
your receipt of this notice, you are prohibited from removing or 1033
attempting to remove the money, property, or credits until 1034
expressly permitted by the court. Any violation of this 1035
prohibition subjects you to punishment for contempt of court. 1036

The law of Ohio and the United States provides that certain 1037
benefit payments cannot be taken from you to pay a debt. Typical 1038
among the benefits that cannot be attached or executed upon by a 1039
creditor are the following: 1040

(1) Workers' compensation benefits;	1041
(2) Unemployment compensation payments;	1042
(3) Cash assistance payments under the Ohio works first program;	1043 1044
(4) Benefits and services under the prevention, retention, and contingency program;	1045 1046
(5) Disability financial assistance administered by the Ohio department of job and family services;	1047 1048
(6) Social security benefits;	1049
(7) Supplemental security income (S.S.I.);	1050
(8) Veteran's benefits;	1051
(9) Black lung benefits;	1052
(10) Certain pensions.	1053
There may be other benefits not included in the above list that apply in your case.	1054 1055
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	1056 1057 1058 1059 1060 1061 1062 1063 1064 1065 1066 1067 1068 1069 1070

reason at the hearing. If you do not state your reasons, it will 1071
not be held against you by the court, and you can state your 1072
reasons at the hearing. NO OBJECTIONS TO THE JUDGMENT ITSELF WILL 1073
BE HEARD OR CONSIDERED AT THE HEARING. If you request a hearing, 1074
the hearing will be limited to a consideration of the amount of 1075
your money, property, or credits, other than personal earnings, in 1076
the possession or control of the garnishee, if any, that can be 1077
used to satisfy all or part of the judgment you owe to the 1078
judgment creditor. 1079

If you request a hearing by delivering your request for 1080
hearing no later than the end of the fifth business day after you 1081
receive this notice, it will be conducted in courtroom 1082
....., (address of court), at m. on, 1083
..... You may request the court to conduct the hearing before 1084
this date by indicating your request in the space provided on the 1085
form; the court then will send you notice of any change in the 1086
date, time, or place of the hearing. If you do not request a 1087
hearing by delivering your request for a hearing no later than the 1088
end of the fifth business day after you receive this notice, some 1089
of your money, property, or credits, other than personal earnings, 1090
will be paid to the judgment creditor. 1091

If you have any questions concerning this matter, you may 1092
contact the office of the clerk of this court. If you want legal 1093
representation, you should contact your lawyer immediately. If you 1094
need the name of a lawyer, contact the local bar association. 1095

..... 1096
Clerk of the Court 1097
..... 1098
Date" 1099

(b) The request for hearing form that must be served upon the 1100
judgment debtor shall have attached to it a postage-paid, 1101
self-addressed envelope or shall be on a postage-paid 1102

self-addressed postcard, and shall be in substantially the 1103
following form: 1104

"(Name and Address of Court) 1105

Case Number Date 1106

REQUEST FOR HEARING 1107

I dispute the judgment creditor's right to garnish my money, 1108
property, or credits, other than personal earnings, in the above 1109
case and request that a hearing in this matter be held 1110

..... 1111

(Insert "on" or "earlier than") 1112

the date and time set forth in the document entitled "NOTICE TO 1113
THE JUDGMENT DEBTOR" that I received with this request form. 1114

I dispute the judgment creditor's right to garnish my 1115
property for the following reasons: 1116

..... 1117

(Optional) 1118

..... 1119

..... 1120

I UNDERSTAND THAT NO OBJECTIONS TO THE JUDGMENT ITSELF WILL 1121
BE HEARD OR CONSIDERED AT THE HEARING. 1122

..... 1123

(Name of Judgment Debtor) 1124

..... 1125

(Signature) 1126

..... 1127

(Date) 1128

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A 1129
REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK 1130
OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, 1131
YOU WAIVE YOUR RIGHT TO A HEARING AND SOME OF YOUR MONEY, 1132

PROPERTY, OR CREDITS, OTHER THAN PERSONAL EARNINGS, NOW IN THE 1133
POSSESSION OF (GARNISHEE'S NAME) WILL BE PAID TO (JUDGMENT 1134
CREDITOR'S NAME) TO SATISFY SOME OF YOUR DEBT TO (JUDGMENT 1135
CREDITOR'S NAME). " 1136

(2) The judgment debtor may receive a hearing in accordance 1137
with this division by delivering a written request for hearing to 1138
the court within five business days after receipt of the notice 1139
provided pursuant to division (C)(1) of this section. The request 1140
may set forth the judgment debtor's reasons for disputing the 1141
judgment creditor's right to garnish the money, property, or 1142
credits, other than personal earnings; however, neither the 1143
judgment debtor's inclusion of nor failure to include those 1144
reasons upon the request constitutes a waiver of any defense of 1145
the judgment debtor or affects the judgment debtor's right to 1146
produce evidence at the hearing. If the request is made by the 1147
judgment debtor within the prescribed time, the hearing shall be 1148
limited to a consideration of the amount of money, property, or 1149
credits, other than personal earnings, of the judgment debtor in 1150
the hands of the garnishee, if any, that can be used to satisfy 1151
all or part of the debt owed by the judgment debtor to the 1152
judgment creditor. If a request for a hearing is not received by 1153
the court within the prescribed time, the hearing scheduled 1154
pursuant to division (A) of this section shall be canceled unless 1155
the court grants the judgment debtor a continuance in accordance 1156
with division (C)(3) of this section. 1157

(3) If the judgment debtor does not request a hearing in the 1158
action within the prescribed time pursuant to division (C)(2) of 1159
this section, the court nevertheless may grant a continuance of 1160
the scheduled hearing if the judgment debtor, prior to the time at 1161
which the hearing was scheduled, as indicated on the notice to the 1162
judgment debtor required by division (C)(1) of this section, 1163
establishes a reasonable justification for failure to request the 1164

hearing within the prescribed time. If the court grants a 1165
continuance of the hearing, it shall cause the matter to be set 1166
for hearing as soon as practicable thereafter. The continued 1167
hearing shall be conducted in accordance with division (C)(2) of 1168
this section. 1169

(4) The court may conduct the hearing on the matter prior to 1170
the time at which the hearing was scheduled, as indicated on the 1171
notice to the judgment debtor required by division (C)(1) of this 1172
section, upon the request of the judgment debtor. The parties 1173
shall be sent notice, by the clerk of the court, by regular mail, 1174
of any change in the date, time, or place of the hearing. 1175

(5) If the scheduled hearing is canceled and no continuance 1176
is granted, the court shall issue an order to the garnishee to pay 1177
all or some of the money, property, or credits, other than 1178
personal earnings, of the judgment debtor in the possession of the 1179
garnishee at the time of service of the notice and order into 1180
court if they have not already been paid to the court. This order 1181
shall be based on the answer of the garnishee filed pursuant to 1182
this section. If the scheduled hearing is conducted or if it is 1183
continued and conducted, the court shall determine at the hearing 1184
the amount of the money, property, or credits, other than personal 1185
earnings, of the judgment debtor in the possession of the 1186
garnishee at the time of service of the notice and order, if any, 1187
that can be used to satisfy all or part of the debt owed by the 1188
judgment debtor to the judgment creditor, and issue an order, 1189
accordingly, to the garnishee to pay that amount into court if it 1190
has not already been paid to the court. 1191

(D) The notice to the judgment debtor form and the request 1192
for hearing form described in division (C) of this section shall 1193
be sent by the clerk by ordinary or regular mail service unless 1194
the judgment creditor requests that service be made in accordance 1195
with the Rules of Civil Procedure, in which case the forms shall 1196

be served in accordance with the Rules of Civil Procedure. Any 1197
court of common pleas that issues an order of garnishment of 1198
property, other than personal earnings, under this section has 1199
jurisdiction to serve process pursuant to this section upon a 1200
garnishee who does not reside within the jurisdiction of the 1201
court. Any county court or municipal court that issues an order of 1202
garnishment of property, other than personal earnings, under this 1203
section has jurisdiction to serve process pursuant to this section 1204
upon a garnishee who does not reside within the jurisdiction of 1205
the court. 1206

Section 2. That existing sections 2329.66, 2716.02, 2716.03, 1207
2716.05, 2716.11, and 2716.13 of the Revised Code are hereby 1208
repealed. 1209