

NEW PHILADELPHIA MUNICIPAL COURT

166 EAST HIGH AVENUE

NEW PHILADELPHIA, OHIO 44622

(330)343-6797

INSTRUCTIONS FOR FILING WAGE GARNISHMENTS:

Bring 1 thru 8 with the \$125.00 filing fee to the clerk's office.

NOTE: Plaintiff is Creditor and Defendant is Debtor

1. **NOTICE OF COURT PROCEEDINGS TO COLLECT DEBT** – Complete the form in its entirety and make two copies. All lines on this form are to be filled out by the Plaintiff. Send a copy to the defendant by certificate of mailing or certified mail to their last known residence. The Payment to Avoid Garnishment should also be attached to the Notice. The additional copy is for your records. The original notice is to be filed with proof of mailing to the Court after 15 DAYS but BEFORE 45 DAYS.
2. **PAYMENT TO AVOID GARNISHMENT** – The following information should be filled out by the plaintiff; name of judgment debtor, last known residence address of the judgment debtor, date of mailing, and case no. Make two copies. Send one to the defendant along with the Notice of Court Proceedings to collect debt. One is for your records. The original will be filed with the court.
3. **AFFIDAVIT AND ORDER AND NOTICE OF GARNISHMENT TO EMPLOYER – SECTION A-** This form should be filled out in its entirety. All lines on this form should be completed by the plaintiff. One original and two (2) copies are to be filed in the clerk's office. The original will be kept by the court and the two copies will be sent to the employer and employee.
4. **SECTION B – ANSWER OF EMPLOYER (GARNISHEE)** – Complete this form by filling out the case no., judgment creditor and judgment debtor lines. The original and two (2) copies are to be filed in the clerk's office. The original will be kept by the court and the two copies will be sent to the employer and employee.
5. **NOTICE TO JUDGMENT DEBTOR**- This form may be completed by filling in the case no., judgment creditor, judgment debtor, and date of judgment. The original and one (1) copy should be filed in the clerk's office.
6. **REQUEST FOR HEARING** – The case no., judgment creditor and judgment debtor heading should be completed on this form. The original is to be filed in the clerk's office. (This form goes with number 5)
7. **FINAL REPORT & ANSWER OF GARNISHEE** - The case no., judgment creditor and judgment debtor heading should be completed on this form. The original is to be filed in the clerk's office.
8. **INTERIM REPORT & ANSWER OF GARNISHEE** - The case no., judgment creditor and judgment debtor heading should be completed on this form. The original is to be filed in the clerk's office.
9. **AFFIDAVIT OF CURRENT BALANCE**- This is a new provision in the statute. It requires the creditors or attorney for creditor to file an affidavit of the current balance due at a minimum on an annual basis. The affidavit shows calculation of the balance that is still outstanding on the judgment that was the subject of the order of garnishment originally served on the employer. It is the means by which the creditor can advise the employer of the correct amount still outstanding. The affidavit may be filed more frequently. This may be necessary if funds are received from some other sources or if Court costs are expended that would drastically affect the balance. The affidavit along with a hearing notice and a request for hearing form must be filed with the Court, the employer, and the debtor. The filing with the debtor may be done either by personal service, certified mail, or regular mail with proof of mailing at the debtor's last known address. No Court costs are to be imposed for the filing of the affidavit.
10. **REQUEST FOR HEARING DETERMINATION OF CURRENT BALANCE DUE ON GARNISHMENT ORDER**-goes with number 9 form

11. NOTICE TO THE JUDGMENT DEBTOR OF AFFIDAVIT OF CURRENT BALANCE DUE ON GARNISHMENT ORDER-goes with number 9

WHEN THE JUDGMENT HAS BEEN PAID IN FULL OR OTHERWISE SATISFIED A NOTICE MUST BE SENT TO THE COURT.