

**MASON MUNICIPAL COURT  
5950 MASON-MONTGOMERY ROAD  
MASON, OHIO 45040**

**AFFIDAVIT OF CREDITOR  
(BANK GARNISHMENT)**

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

\_\_\_\_\_, Judgment Creditor (Party judgment for / Usually Plaintiff)

vs.

\_\_\_\_\_, Judgment Debtor (Party judgment against / Usually Defendant)

**State of Ohio, Warren County, ss:** The undersigned being first duly cautioned and sworn or affirmed according to law, says that I am attorney/creditor herein who heretofore recovered or certified a judgment in this court against above named debtor. That I have good reason to believe and do believe that the following garnishee (bank),

\_\_\_\_\_ ,

has property other than personal earnings owing by them to said debtor, that is not exempt under the laws of Ohio or the United States.

\_\_\_\_\_  
Signature: Judgment Creditor/Plaintiff – Attorney

Sworn to & subscribed before me on \_\_\_\_\_

\_\_\_\_\_  
Notary Public

**MASON MUNICIPAL COURT  
5950 MASON-MONTGOMERY ROAD  
MASON, OHIO 45040**

**ORDER & NOTICE OF GARNISHMENT OF PROPERTY OTHER THAN PERSONAL EARNINGS**

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

The State of Ohio, County of Warren, ss

\_\_\_\_\_, Judgment Creditor (Party judgment for / Usually Plaintiff)

vs.

\_\_\_\_\_, Judgment Debtor (Party judgment against / Usually Defendant)

**SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT**

To: \_\_\_\_\_, Garnishee (Bank)  
(NAME AND ADDRESS OF BANK)

The judgment creditor (Party judgment for / Usually Plaintiff) in the above case has filed an affidavit, satisfactory to the undersigned, in this court stating that you may have money, property, or credits, other than personal earnings, in your hands or under your control that belong to the judgment debtor (Party judgment against / Usually Defendant).

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”**. Deliver one completed and signed copy of this form to the judgment debtor (Party judgment against / Usually Defendant). Keep the other completed and signed copy of this form for your files.

The *total probable amount now due* on this judgment is: \$ \_\_\_\_\_

The total probable amount now due includes the unpaid portion of the judgment in favor of the judgment creditor, which is: \$ \_\_\_\_\_

Interest on that judgment and, if applicable, pre-judgment interest relative to that judgment at the rate of: \_\_\_\_\_ %

per annum payable until that judgment is satisfied in full;  
Court costs in the amount of: \$ \_\_\_\_\_

You are also ordered to hold safely anything of value that belongs to the judgment debtor (Party judgment against / Usually Defendant) and that has to be paid to the court, as determined under the **“ANSWER OF GARNISHEE”** in section (B) of this form, but that is of such a nature that it cannot be so delivered, until further order of the court.

Witness my hand and the seal of this court this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
D. Andrew Batsche, Judge Mason Municipal Court

**MASON MUNICIPAL COURT  
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**SECTION B. ANSWER OF GARNISHEE (BANK)**

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

The State of Ohio, County of Warren, ss

\_\_\_\_\_, Judgment Creditor (Party judgment for / Usually Plaintiff)

vs.

\_\_\_\_\_, Judgment Debtor (Party judgment against / Usually Defendant)

Now comes \_\_\_\_\_, the garnishee (Bank), who states:

1. That the garnishee (Bank) has more than \$425 in money, property, or credits, other than personal earnings, of the judgment debtor under the garnishee's control and in the garnishee's possession.

(  ) Yes      (  ) No      If "Yes", amount over \$425: \$ \_\_\_\_\_

2. That property is described as: \_\_\_\_\_  
\_\_\_\_\_

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

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

5. If the answer to line 1 is "Yes" but the money, property, or credits are of such a nature that they cannot be delivered to the clerk of the court, indicate that by placing an "X" in this space: \_\_\_\_\_. Do not dispose of that money, property, or credits or give them to anyone else until further order of the court.

6. If the answer to line 1 is "No," sign and return this form to the clerk of this court.

\_\_\_\_\_  
(Print Name of Garnishee / Bank)

\_\_\_\_\_  
(Print Name and Title of Person Who Completed Form)

I certify that the statements above are true.

\_\_\_\_\_  
(Signature of Person Completing Form)

Date: \_\_\_\_\_

**MASON MUNICIPAL COURT  
5950 MASON MONTGOMERY ROAD  
MASON, OHIO 45040**

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

**NOTICE TO THE JUDGMENT DEBTOR**

(Party judgment against / Usually Defendant)

You are hereby notified that this court has issued an order in the above case in favor of:

\_\_\_\_\_,  
(Name and address of judgment creditor – Party judgment for – Usually Plaintiff)

the judgment creditor in this proceeding, directing that some of your money in excess of \$425.00, property, or credits, other than personal earnings, that now may be in the possession of:

\_\_\_\_\_,  
(Name and address of garnishee – Bank)

the garnishee (Bank) in this proceeding, be used to satisfy your debt to the judgment creditor (Party judgment for – Usually Plaintiff). This order was issued on the basis of the judgment creditor's (Party judgment for / usually Plaintiff) judgment against you that was obtained in the Mason Municipal Court, in Case Number \_\_\_\_\_ on (date) \_\_\_\_\_. Upon 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 (Party judgment for – Usually Plaintiff) are the following:

- (1) Workers' compensation benefits;
- (2) Unemployment compensation payments;
- (3) Cash assistance payments under the Ohio works first program;
- (4) Benefits and services under the prevention, retention, and contingency program;
- (5) Disability financial assistance administered by the Ohio Department of Job and Family Services;
- (6) Social Security benefits;
- (7) Supplemental Security Income (S.S.I.);
- (8) Veteran's benefits;
- (9) Black lung benefits;
- (10) Certain pensions.

\*\*\*There may be other benefits not included in the above list that apply in your case.

If you dispute the judgment creditor's (Party judgment for – Usually Plaintiff) right to garnish your property and believe that the judgment creditor (Party judgment for – Usually Plaintiff) should not be given your money, property, or credits, other than personal earnings, now in the possession of the garnishee (Bank) 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 enclosed herein, 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 (5<sup>th</sup>) business day after you receive this notice. You may state your reasons for disputing the judgment creditor's (Party judgment for – Usually Plaintiff) 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 reason at the hearing. If you do not state your reasons, it will not be held against you by the court, and you can state your reasons at the hearing. **NO OBJECTIONS TO THE JUDGMENT ITSELF WILL BE HEARD OR CONSIDERED AT THE HEARING.** If you request a hearing, the hearing will be limited to a consideration of the amount of your money, property, or credits, other than personal earnings, in the possession or control of the garnishee (Bank), if any, that can be used to satisfy all or part of the judgment you owe to the judgment creditor.

If you request a hearing by delivering your request for hearing no later than the end of the fifth (5<sup>th</sup>) business day after you receive this notice, said hearing will be added to the court docket and notification of time and date will be sent to you. If you do not request a hearing by delivering your request for a hearing no later than the end of the fifth business day after you receive this notice, some of your money, property, or credits, other than personal earnings, will be paid to the judgment creditor (Party judgment for – Usually Plaintiff).

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

MASON MUNICIPAL COURT  
DEBRA M. GARDNER, CLERK OF COURT

\_\_\_\_\_  
Deputy Clerk

Date: \_\_\_\_\_

**MASON MUNICIPAL COURT  
5950 MASON-MONTGOMERY ROAD  
MASON, OHIO 45040**

**REQUEST FOR HEARING ON BANK GARNISHMENT**

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

I dispute the judgment creditor's (party judgment for / usually Plaintiff) right to garnish my money, property, or credits, other than personal earnings, in the above case and request that a hearing in this matter be held and added to the court docket and notification of time and date will be sent to me. I dispute the judgment creditor's right to garnish my property for the following reasons:

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

\_\_\_\_\_  
(Print Name of Judgment Debtor)

\_\_\_\_\_  
(Signature of Judgment Debtor)

\_\_\_\_\_  
(Address of Judgment Debtor)

Date: \_\_\_\_\_

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, YOU WAIVE YOUR RIGHT TO A HEARING AND SOME OF YOUR MONEY, PROPERTY, OR CREDITS, OTHER THAN PERSONAL EARNINGS, NOW IN THE POSSESSION OF THE GARNISHEE WILL BE PAID TO THE JUDGEMENT CREDITOR TO SATISFY SOME OF YOUR DEBT TO THE JUDGMENT CREDITOR.