

INSTRUCTIONS FOR BANK ATTACHMENTS

REQUIREMENTS FOR FILING

- Judgment must be obtained and journalized with the Berea Municipal Court.
- In the collection process you, the Plaintiff, now become the Judgment Creditor and the Defendant becomes the Judgment Debtor.
- You are required to supply the court with the original and 4 double-sided copies of the “OTHER THAN” form. If you have additional banks or Defendants please add 2 copies for each addition. Also, you must have the original and 3 double-sided copies of the “Notice to Judgment Debtor” and “Request for Hearing.” If copies of these forms are not supplied you will be charged accordingly per copy.
- Bank Attachment forms should be typed. If you do not have access to a typewriter or cannot scan on your computer, the Court will permit you to neatly **PRINT** in **BLUE INK**. Forms completed in colored ink or pencil will not be accepted for filing.
- *The filing fees for Bank Attachments are as follows:* The filing fee is \$50.00 for one bank and one Defendant. There is a \$10.00 fee for each additional bank and each additional Defendant. You must have a separate check for \$1.00 made payable to each bank you are garnishing.
- If you want a signed, sealed and time stamped copy of the filing, please supply the Court with a self addressed stamped envelope.
- Lastly, the Clerk’s office does not follow up on these filings. It is the responsibility of the Plaintiff/Judgment Creditor to complete, file and follow up on all forms in their timely manner.

- Complete the Notice to Judgment Debtor by following the numbers accordingly on form

1. Plaintiff/Judgment Creditor's (Plaintiff's Name)
2. Plaintiff/Judgment Creditor's Address
3. Plaintiff/Judgment Creditor's City, State and Zip Code
4. Berea Court Case Number
5. Defendant/Judgment Debtor (Defendant's Name)
6. Defendant/Judgment Debtor (Defendant's Address)
7. Defendant/Judgment Debtor's City, State and Zip Code
8. Name of Bank you are collecting from
9. Date of Judgment

BEREA MUNICIPAL COURT
11 Berea Commons
Berea, Ohio 44017

Clerk's Filed Date Stamp

#1 _____
#2 _____
#3 _____
JUDGMENT CREDITOR

vs.

#5 _____
#6 _____
#7 _____
JUDGMENT DEBTOR

Case No: _____ #4

NOTICE TO THE JUDGMENT DEBTOR
OF GARNISHMENT OF PROPERTY
OTHER THAN PERSONAL EARNINGS,^{1,2}

You are hereby notified that this Court has issued an order in the above case in favor of #1 _____³ the Judgment Creditor in this proceeding, directing that some of your money in excess of five hundred dollars, property, or the credits other than personal earnings, that now may be in the possession of #3 _____⁴ 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 THE BEREA MUNICIPAL COURT _____⁵ Case No. #4 _____⁶ on #9 _____, 20 _____⁷ Upon your receipt of this notice, you are prohibited from removing or attempting to remove such money, property, or credits until expressly permitted by the Court. Any violation of this prohibition subjects you to punishment from 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:

1) Workers compensation benefits; 2) Unemployment compensations 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) Veterans benefits; 9) Black lung benefits; 10) Certain pensions.
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There may be other benefits not included in the above list that apply in your case.

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 indicated 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 on the reverse side, 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 but 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, and if you do not state your reasons, it will 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 OF 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 of control of the indicated garnishee, 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 no later than the end of the fifth business day after you received this notice, it will be conducted at

BEREA MUNICIPAL COURT 11 BEREA COMMONS BEREA, OHIO 44017

At _____ M. on _____, 20 _____. You may request the Court to conduct the hearing before this date by indicating your request in the space provided on the form: the Court then will send you notice of any change in the date, time, or place of the hearing. If you do not request a hearing by delivering your request for 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.

If you have any questions concerning this matter, you may contact the office of the Clerk of 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.

Deputy Clerk of Court

Date

THIS FORM MUST BE SUBMITTED IN DUPLICATE
(OVER)