

STEPS TO FILE A GARNISHMENT OF WAGES

If you know where the judgment debtor is employed, you may garnish his or her non-exempt wages. Garnishments may be filed through this court if the debtor's employer is located in Ohio.

Once the garnishment order takes effect, the garnishment will remain in effect until the amount of the judgment is paid, or for at least six months. The debtor's employer makes regular deductions from the debtor's wages and sends the non-exempt portion (up to 25%) to the Clerk of Courts. The Accounting/Finance Division then will send the proceeds to you in two to three weeks.

If another creditor has pending garnishment against the same debtor when you file, you may be required to wait for up to six months for your garnishment to begin. If there are two creditors ahead of you, the wait may be longer. If another creditor files a garnishment while yours is in effect, your garnishment will remain in effect for at least six months ahead of all others.

Step One: Mail the Judgment Debtor a "Fifteen-Day-Demand"

Obtain two (2) copies of the form entitled "Notice of Court Action to Collect Debt" or, as it is commonly referred to, THE FIFTEEN-DAY-DEMAND. This form is available in the Civil Division on the 3rd floor, and at www.fmcclerk.com.

Complete this form and mail one copy of the form to the judgment debtor at his or her last known address by ordinary U.S. mail. When you mail the Fifteen-Day-Demand, obtain a Certificate of Mailing from the Post Office (Form 3817). This is a receipt you will get from the postal clerk – do not confuse this with *certified mail* which, although permissible, is more expensive and unnecessary. Your mailing costs are approximately \$1.10, are *not* recoverable as court costs.

Step Two: Waiting Period

After mailing the Fifteen-Day-Demand, wait at least 15 days but not more than 45 days before filing the garnishment order.

Step Three: File the Garnishment with the Clerk of Courts

Next, obtain the forms required (See "Instructions for Filing a Garnishment") to file a Garnishment from the Clerk of Courts office on the 3rd floor or at www.fmcclerk.com. Complete all forms (remember-you must sign the affidavit under oath either before the deputy clerk in the Clerk's office or before a Notary Public) and file with the Civil Division on the 3rd floor together with,

- a copy of your Fifteen-Day-Demand
- the Certificate of Mailing or copy, and
- a fee of \$85.00 payable to "Franklin County Municipal Court"

The garnishment order will be hand delivered by the court's service bailiff (in the City of Columbus or in Franklin County) or served by certified mail (out of the City of Columbus or Franklin County) upon the debtor's employer. The employer will have 15 days to answer the order by revealing if the debtor is in its employ and, if so, payroll information. You may call the Clerk of Courts office at 614/645-7220 to check the information supplied in the employer's garnishment return or go to www.fmcclerk.com to view the garnishment return on the Docket.

If the debtor challenges the validity of the garnishment, a hearing will be scheduled and all parties will be notified of the location, date and time of the hearing.

STEPS TO FILE A GARNISHMENT OF OTHER THAN WAGES EXECUTION UPON A BANK ACCOUNT

If you know that the debtor has a checking or savings account at a bank, credit union or other financial institution, you may ask the Court to attach funds that are in the account. Bank account attachments may be obtained upon any bank in Ohio through this court. If the bank is located outside of the City of Columbus or Franklin County, be sure to ask the Clerk of Courts to mail the Attachment to the bank by certified mail.

Step One: Determine the Name of the Judgment Debtor's Bank

You may have this information already. If the judgment debtor ever issued you a check in the course of your dealings, you may recall the name of the debtor's bank. Or, if you have ever issued a check to the debtor, you might inspect the back of the check to determine whether it may have been deposited in the debtor's bank account.

If possible, try to find out the account number or the last 4 numbers of their social security number. It is helpful to the bank, although usually not essential, in identifying the correct account.

Step Two: File the Garnishment with the Clerk of Courts

Next, obtain the forms required (See "Instructions for Filing a Garnishment") to file a Garnishment from the Clerk of Courts office on the 3rd floor or at www.fmcclerk.com. Complete all forms (remember-you must sign the affidavit under oath either before the deputy clerk in the Clerk's office or before a Notary Public) and file with the Civil Division on the 3rd floor together with,

- a check or money order for \$1.00 payable to the bank (by law, the bank is entitled to this amount to process the affidavit; however, this dollar is *not* recoverable as court costs), and
- a fee of \$40.00 payable to "Franklin County Municipal Court"

The garnishment order will be hand delivered by the court's service bailiff (in the City of Columbus or in Franklin County) or served by certified mail (out of the City of Columbus or Franklin County) to the bank. You may call the Clerk of Courts office at 614/645-7220 to check the information supplied in the bank's garnishment return or go to www.fmcclerk.com to view the garnishment return on the Docket. If the attachment is successful, the Accounting/Finance Division will send your money to you in two to three weeks.

If the debtor challenges the validity of the garnishment, a hearing will be scheduled and all parties will be notified of the location, date and time of the hearing.

You may file again if you do not receive all of the money due on the first attachment.