

NOTICE OF COURT PROCEEDING TO COLLECT DEBT (R.C. 2716.02)

Date of Mailing or Service by the Court: _____

TO: _____ (NAME OF JUDGMENT DEBTOR) _____ (Last Known Address of Judgment Debtor)

You owe the undersigned _____ the sum of \$ _____, including interest and court costs, for which a judgment in Case No. _____ CV _____ was obtained against you or certified in the Dayton Municipal Court on _____, payment of which is hereby demanded.

If you do not do one of the three things listed below within fifteen (15) days of the date of the mailing of this notice or of its service by the Court, we will go to Court, unless we are otherwise precluded by law from doing so, and ask that your employer be ordered to withhold money from your earnings until the judgment is paid in full or, if applicable, is paid to a certain extent and to pay the withheld money to the court in satisfaction of your debt.

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

- (1) Pay to us the amount due;
(2) Complete the attached form entitled "Payment To Avoid Garnishment" and return it to us with the payment, if any, shown due on it; or
(3) Apply to your local municipal or county court or, if you are not a resident of Ohio, to the municipal or county court in whose jurisdiction your place of employment is located, for the appointment of a trustee to receive the part of your earnings that is not exempt from garnishment, and notify us that you have applied for the appointment of a trustee.

You also may contact a budget and debt counseling service described in division (D) of Section 2716.03 of the Ohio Revised Code for the purpose of entering into an agreement for debt scheduling. There may not be enough time to set up such an agreement in order to avoid a garnishment of your wages based upon this demand for payment, but entering into such an agreement might protect you from future garnishments of your wages.

(Name of Judgment Creditor or Attorney) X _____ (Signature of Judgment Creditor or Attorney)

(Address of Judgment Creditor)

PAYMENT TO AVOID GARNISHMENT

TO: _____ (Name of Judgment Creditor) _____ (Address of Judgment Creditor)

To avoid the garnishment of personal earnings of which you have given me notice, I enclose \$ _____ to apply toward my indebtedness to you. The amount of the payment was computed as follows:

- 1. Total amount of indebtedness demanded: (1) \$ _____
2. Enter the amount of your personal earnings after deductions required by law, earned by you during the current pay period (that is, the pay period in which this demand is received by you): (2) \$ _____
3. (A) Enter your present pay period (weekly, bi-weekly, semi-monthly, monthly): (3) (A) \$ _____
(B) Enter the date when your pay period ends: (3) (B) \$ _____
4. Enter an amount equal to 25% of the amount on line 2: (4) \$ _____
5. (A) The current federal minimum hourly wage is \$ _____ (You should use the above figure to complete this portion of the form.) If you are paid weekly, enter thirty (30) times the current federal minimum hourly wage; if paid bi-weekly, enter sixty (60) times the current federal minimum hourly wage; if paid semi-monthly, enter sixty-five (65) times the current federal minimum hourly wage; if paid monthly, enter one hundred thirty (130) times the current federal minimum hourly wage: (5) (A) \$ _____
(B) Enter the amount by which the amount on line 2 exceeds the amount on line 5A: (5) (B) \$ _____
6. Enter the smallest of the amounts on lines 1, 4, or 5(B). Send this amount to the judgment creditor along with this form after you have signed it: (6) \$ _____

I certify that the statements contained above are true to the best of my knowledge and belief.

(Print Name and Residence Address of Judgment Debtor) X _____ (Signature of Judgment Debtor)

(To verify that the amount shown on line (2) is a true statement of your earnings, you must either have your employer certify below that the amount shown on line (2) is a true statement of your earnings or you may submit copies of your pay stubs for the two pay periods immediately prior to your receiving this notice.)

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

X _____ (Signature of Judgment Debtor)

I certify that the amount shown on line (2) is a true statement of the judgment debtor's earnings.

X _____ (Signature of Employer or Agent) _____ (Print Name of Employer of Agent)