

IN THE DELAWARE MUNICIPAL COURT, DELAWARE COUNTY, OHIO

Justice Center • 70 North Union Street, Delaware, Ohio 43015 • Voice: 740.203.1560 • Facsimile: 740.203.1599 • www.municipalcourt.org

Plaintiff(s) - Judgment Creditor
vs.

CASE NO: _____

Defendant - Judgment Debtor

AFFIDAVIT OF CURRENT BALANCE DUE ON JUDGMENT SUBJECT TO GARNISHMENT ORDER WITH REQUEST FOR HEARING (R.C. § 2716.031) [must be filed at least annually]

The judgment creditor herein issues this affidavit of current balance due on the judgment in this case. The affidavit shows the original judgment amount, interest and court costs accrued to date, all moneys received by the creditor / creditor's attorney on the judgment to date, and the current balance due.

Certificate of Service: On _____, 20__ the undersigned served this affidavit-with-request-for-hearing form with a postage-paid envelope, pre-addressed to the clerk of the court attached on Judgment Debtor at the last known place of residence above shown by [X] ordinary mail (stamped postal certificate of mail is attached) [] certified mail return receipt requested (signed receipt is attached), [] personal service (return is attached).

State of Ohio / _____ County }ss Now comes the judgment creditor / attorney for judgment creditor who says that:

The original judgment amount that is the basis of the garnishment order is \$ _____
Interest accrued to date is \$ _____
Court costs accrued to date are \$ _____
The total amount received by judgment creditor or attorney on the judgment to date is (\$ _____)
The current balance due is \$ _____

X
Attorney for Judgment Creditor Sup. Ct. ID No.
print name:
Street:
City, State Zip:
email:
WebCV Affidavit of Current Balance Due 090216.wpd1207090216 Ver02Sep16 © K. Pelanda

X
Affiant / Judgment Creditor
print affiant name:
Sworn true & subscribed by affiant in my presence on _____, 20__
X Notary Public

Notary name, expiration date, and seal

If you dispute the amounts shown or believe that this affidavit is improper for any other reason, you may request a hearing by completing the request-for-hearing form below, or a substantially similar form, and delivering the form to the clerk of the court at the address shown above no later than the close of business on the 5th business day after you receive this affidavit. You may state reasons for your dispute in the judgment creditor's affidavit in the space provided on the request-for-hearing form, however, you are not required to do so. If you state reasons for your dispute, you will be permitted to state additional reasons at the hearing. If you do not state reasons, it will not be held against you by the court, and you can state your reasons at the hearing. The hearing will be limited to consideration of the amount currently due on the judgment owed to the judgment creditor. NO OBJECTIONS TO THE JUDGMENT ITSELF CAN BE HEARD OR CONSIDERED AT THE HEARING.

If you timely deliver your request for hearing to the clerk, the court will conduct a hearing no later than twelve days after your request is received by the clerk. The court will send you notice of the date, time, and place of the hearing by email (if you provide an address) and ordinary mail. You may indicate on the form that you believe that the need for the hearing is an emergency and that it should be given priority. If you do so, the court will schedule the hearing as soon as practicable after your request is received and will send you notice of the date, time, and place. If you do not deliver your request for a hearing by the end of the fifth business day after you receive this affidavit, some of your personal earnings will continue to be paid to the judgment creditor until the judgment is satisfied.

If you have questions concerning this matter, you may contact the office of the clerk. If you want legal representation, you should contact a lawyer immediately. If you need the name of a lawyer, you should contact the local bar association. The clerk, court, and staff are prohibited from providing legal advice.

Request for Hearing: I dispute the judgment creditor's determination of the current balance due. I request that the court conduct a hearing within [] 12 days of submitting this request to the court [] as soon as practicable because this is an emergency. I dispute the amount(s) because [statement of reasons is optional and will not limit evidence or argument at the hearing]:

X
Judgment Debtor Date email (allows for quicker notification of hearing)

Warning: If you do not deliver a request for hearing to the clerk of the court within 5 business days of your receipt of this affidavit, you waive your right to a hearing and some of your wages may continue to be withheld and paid to Judgment Creditor to satisfy the judgment.