

Dayton Municipal Court, Dayton, Ohio

Civil Forms

Notice:

In compliance with the Ohio Revised Code Section 5703.47 the interest rate calculated by the Tax Commission and certified by the Auditors Office for the calendar year 2018 is FOUR PERCENT (4%). This interest rate will apply to all new civil judgments.

The Court and Clerk have endeavored to simplify both the acquisition and filing of the paperwork necessary to complete several civil filings. The forms included below are grouped by filing. Each form has a brief explanation of its use, the number of copies which must be filed and the costs for each filing.

Small Claims

CLAIM FORM: Individuals wishing to file a small claims case against a person or business must complete this form in triplicate. The amount of the claim cannot exceed \$6,000.

Filing cost: \$65.00 one Defendant, \$10.00 each additional Defendant.

REQUEST FOR QUESTIONNAIRE: To be utilized, after judgment for plaintiff, to obtain information regarding the financial worth of the judgment debtor.

Filing cost: \$10.00

REQUEST TO FORWARD JUDGMENT TO REGISTRAR: To be utilized after judgment by the plaintiff on motor vehicle accidents only. Can be filed 30 days after judgment if debtor has not satisfied judgment. This action places a block on debtor's ability to register vehicle or renew licenses until debt is satisfied.

Filing cost: \$5.00

Levy Execution and Exemptions

Levy - Notice of Execution and Exemptions: This form is used to seize the debtor's property, sell it, and collect judgment from the proceeds. This can be either personal property or business property of the debtor.

3 copies - 1 page

FILING COST:

\$650.00 – case originated in this court

\$675.00 – foreign certificate of judgment

Garnishment

To garnish a debtor's wages following a civil judgment the following forms must be completed and filed: (Instructions for filing Garnishment of Personal Wages, Garnishment of Bank Accounts)

AFFIDAVIT, ORDER, AND NOTICE OF GARNISHMENT OF PERSONAL EARNINGS & ANSWER OF EMPLOYER

5 copies – 2 pages each

NOTICE TO JUDGMENT DEBTOR

(Wages) 3 copies – 1 page

INTERIM REPORT AND ANSWER OF GARNISHEE

1 copy – 1 page

FINAL REPORT AND ANSWER OF GARNISHEE

1 copy – 1 page

These forms must be assembled in order at time of filing

TOTAL FILING COST \$100.00

AFFIDAVIT OF CURRENT BALANCE DUE ON GARNISHMENT AND NOTICE TO JUDGMENT DEBTOR OF CURRENT BALANCE DUE

To be filed to notify both employer and debtor of balance remaining to be garnished from the civil judgment.

DISCHARGE OF GARNISHEE

Utilized to notify employer to cease garnishment of debtor's wages.

15 Notice of Court Proceeding to Collect Debt

Send this prior to filing a garnishment.

2 copies- one to the debtor and one for the court with proof of mailing.

[Instructions: Garnishment Personal Earnings](#)

PLEASE NOTE that before you may file a garnishment against an individual's wages, you must first send a dated copy of a Fifteen (15)-Day Demand Form to that individual at their last known address. After fifteen (15) days have expired, but before forty five (45) days, you may file your garnishment.

The Court DOES NOT supply the Fifteen (15)-Day Demand Forms. They may be purchased at an office supply store.

For garnishment of Personal Earnings (Wages) the following forms must be completed and filed in the Clerk of Court's Office.

Affidavit, Order and Notice of Garnishment - original and four (4) copies.

Notice to Judgment Debtor - original and two (2) copies

Request for Hearing Card - one (1)

Fifteen (15) Day Demand Form (Dated); one (1) copy and its proof of mailing by one of the following Registered Ordinary Mail Slip, Green Certified Mail Return Card, or the envelope containing the Fifteen (15) Day Demand, returned unopened by the post office.

Interim Report and Answer of Garnishee - one (1)

Final Report and Answer of Garnishee - one (1)

Preparation for Filing in the Clerk's Office

- A. The original copy of the Affidavit, Order and Notice of Garnishment, with the following stapled to it:
 - a. The proof of mailing;
 - b. The Fifteen (15)-Day Demand;
 - c. The original copy of the Notice to Judgment Debtor.

- B.
- a. One (1) copy of the Order in Aid by itself;
 - b. One (1) Interim Report and Answer of Garnishee;
 - c. One (1) Final Report and Answer of Garnishee.
- C.
- a. Three (3) copies of the Affidavit, Order and Notice of Garnishment;
 - b. Two (2) copies of the Notice to Judgment Debtor;
 - c. Request for Hearing Card, with the case number and execution number stamped on it.
- D. Paper clip Steps A, B, and C together. Please Note: If you want a time stamped copy, prepare an additional copy and clip it to the back of the package.

Filing Fees

\$ 100.00 for Certified Mail

\$ 110.00 for Personal Service

\$ 130.00 for Sheriff

\$ 100.00 for Special Process Server

(A Special Process Server Entry must be filed along with the Order in Aid.)

Instructions: Garnishments Bank Accounts

For garnishment of Bank Accounts and other earnings, other than wages, the following forms must be filed with the Clerk of Court:

- Order In Aid (Form GP-3) - original and four (4) copies
- Notice to Judgment Debtor (Form GP-2) - original and two (2) copies
- Request for Hearing Card

Preparation of Forms for Filing in Clerks Office:

1. The original copy of the Order in Aid.
2. The original copy of the Notice to Judgment Debtor.
3. Staple Step 1 and 2 together.
4. One copy of Order in Aid (alone).
5. Attach copy of personal information to garnishee here.
6. Three (3) copies of the Order in Aid.
7. Staple Steps 5 and 6 together.
8. Two (2) copies of Notice to Judgment Debtor.
9. Request for Hearing Card.
10. Staple Steps 8 and 9 together.
11. You should now have four (4) total sections of forms. Paperclip all 4 sections.
12. Paper clip \$100.00 check to the front (Do not staple).

NOTE: IF YOU OR YOUR OFFICE NEEDS A TIME STAMPED COPY OF ANY OR ALL OF THE ABOVE FORMS, PREPARE THAT ADDITIONAL COPY PRIOR TO ARRIVING AT THE CLERK'S OFFICE.

The Order in Aid form will be sent to the bank via Certified Mail. If you prefer a different method of service, you must inform the Clerk of the method of service to be used BEFORE THE FILING TAKES PLACE.

FILING FEES:

\$ 100.00 for Certified Mail

\$ 100.00 for Special Process Server

\$ 110.00 for Personal Service

\$ 130.00 for Sheriff Service

Bank Attachments

After a judgment, the judgment creditor may file the following forms together to attach the financial assets of the debtor other than wages. (Both forms must be filed together.)

AFFIDAVIT, ORDER, NOTICE OF GARNISHMENT OF PROPERTY OTHER THAN PERSONAL EARNINGS AND ANSWER OF GARNISHEE

5 copies – 2 pages

NOTICE TO THE JUDGMENT DEBTOR (Property)

3 copies – 1 page

Filing cost for both: \$100.00

Debtor's Examination

ORDER OF DEBTOR'S EXAMINATION: Can be filed by judgment creditor following a civil judgment that requires debtor to present a summary of personal worth to be heard before a magistrate.

3 copies – 2 pages

Filing cost: \$40.00

Expungement

APPLICATION FOR SEALING RECORD OF ARREST: Individuals who have been arrested but have not had charges filed against them may use this form to seal the record of their arrest.

3 copies – 1 page

Filing cost: \$50.00

Subpoena

PRAECIPE: To be used by any of the litigants or their attorneys to order an individual to be present for a particular civil court hearing.

CIVIL SUBPOENA:

Subpoena (1 Witness - includes service by Bailiff or Certified Mail) \$15.00

Witness Fee, for each half day, each person \$6.00

Evictions

Eviction Complaint Form - PDF

This form can be used by owners wishing to file an eviction for a property located within the City Limits of Dayton.

Documents needed to file an eviction action: Please note the number of copies needed for each required form.

Required	Supplied	Original Required	Copies Returned
Complaint	Yes	Yes	Original plus three (3) copies per tenant. Provide one (1) extra copy if you would like a copy for your records
Notice to Vacate	No	No	Four (4) copies per tenant.
Copy of Written Lease* - or	No	No	Four (4) copies per tenant.
Sworn Affidavit*	No	Yes	Original plus three (3) copies per tenant.

*Please provide instructions for service unless you are filing your case in person.

Court Costs:

One (1) Defendant (Ordinary Mail and Process Server) - \$150.00

One (1) Defendant (Ordinary Mail and Bailiff) - \$160.00

Two (2) Defendants (Ordinary Mail and Process Server) - \$155.00

Two (2) Defendants (Ordinary Mail and Bailiff) - \$165.00

Certified Mail (For each Defendant) - \$10.00

(Ordinary Mail on first defendant at no charge)

Ordinary Mail (each additional defendant) - \$5.00