

TRUSTEESHIP (O.R.C. 2329.70)

(This section was not revised in Oct 04)

REQUIRMENTS:	15-day notice of garnishment.
FILING:	Within a period of 15 days from 15-day demand.
FILING FEE:	Determined by local court's cost schedule.
ELIGIBILITY:	Must reside within the Court's jurisdiction, or if a non-resident of Ohio, in the jurisdiction of place of employment.
APPLICATION FORM:	Should include the following items: Name and address of debtor, place of employment, Present salary, list of dependents claimed on Federal Income Tax. Complete statement of secured and unsecured creditors with liquidated claims, their addresses and amount due. Statement as to whether previously in trusteeship (if so, date closed and reason). All statements sworn under oath.
NOTIFICATION BY DEBTOR:	Each creditor notified by regular or certified mail. Debtor may contact all creditors in person and serve notice of trusteeship, along with statement of amount owed.
PROOF OF EARNINGS:	Normally in form of pay stub to substantiate 30-day period prior to application to determine amount payable to the court.
AMOUNT TO BE PAID:	Will vary according to condition of employment and pay period. §2716.02
DISTRUBUTION OF MONEY:	Average time of distribution: 90 days. Check local Court rules. Some courts accumulate a certain amount and make disbursement with fee charged to cover costs.
ADDITIONAL CREDITORS:	Through mistakes or otherwise on the part debtor, creditors, after duly notified, may be added to the original list.
CANCELLATION OF DEBTOR:	For failure to make consecutive payments. Payments may be suspended while debtor is receiving unemployment benefits. Application cannot be made again for six months after cancellation of trusteeship.

SECURED CREDITORS: Creditor who holds chattel mortgage or any lien on property of applicant may participate. (§2329.71) Secured creditor must notify Court within 10 days, otherwise included.

1. Taking in new Trusteeship accounts:

- a) Check 15-day demand and time stamp.
- b) Have papers signed and time stamp.
- c) Enter new trusteeship in number book.
- d) Fill out information form.
- e) Check creditor list.
- f) Write receipt and collect filing fee.
- g) Run tape on total amount owed.
- h) Send form letter to Legal News.
- i) Enter name and TT# in book at Civil desk.
- j) Type all papers, front and back.
- k) Type Creditor list.
- l) Make up folder.
- m) Type Debtors book worksheets.
- n) Send cards to all creditors.
- o) Make trusteeship cards.

2. Enter in cash book:

- a) Date.
- b) Trusteeship number.
- c) Name.

3. In Debtors Account Book enter:

- a) Date.
- b) Receipt number.
- c) Amount paid.
- d) Total monthly.

4. Total all three months of payments and deduct the Court's 2% fee. Send balance to creditors.

5. Make a Monthly Worksheet:

- a) Trusteeship number and name.
- b) Receipt number.
- c) Amount paid.
- d) Total-must balance with monthly receipts.

6. Make a Master Worksheet:

- a) Trusteeship number and name
- b) Total amount paid for each month.
- c) Total-must balance with all three-month receipts.

7. Make up Disbursement sheet:

- a) Trusteeship number.
- b) Name.

8. Enter same check number for Finance Director in each Trusteeship in Debt Account book with amount owed by that trusteeship.

9. Enter check number in sequence in "Debt account book" for each creditor owed money.

10. Calculate amount each creditor is to receive for disbursement.

11. Amount paid out plus 2% fee must total amount paid in.

12. Subtract amount paid from previous balance for new balance.

13. Add 2% fee to previous balance.

14. Total new balance.

15. Type checks.

16. Type envelopes.

17. Do Disbursement to Finance Director.

18. In cash book enter:

- a) All creditors' names.
- b) Check numbers.
- c) Trusteeship number.
- d) Amount paid.
- e) City 2% fee and filing fee.

19. Run a tape on above--Must balance with all other phases.

20. Bring trusteeship records up to date, run total on amounts paid.

21. Balance Bank Statement.

RATE SCHEDULE FOR TRUSTEESHIP

Amount earned after taxes pay	AMOUNT EARNED AFTER TAXES	PAY
Zero deduction on \$80.00 or less	\$110.00 to \$114.99	28.00
Of Disposable Earnings pay the	115.00 to 119.99	29.00
amount in excess of \$80.00 to the	120.00 to 124.99	30.00
nearest rounded off dollar up to \$109.99	125.00 to 129.99	31.00
	130.00 to 134.99	33.00
	135.00 to 139.99	34.00
	140.00 to 144.99	35.00
	145.00 to 149.99	36.00
	150.00 to 154.99	38.00
	155.00 to 159.99	39.00
	160.00 to 164.99	40.00
	165.00 to 169.99	41.00
	170.00 to 174.99	43.00
	175.00 to 179.99	44.00
	180.00 to 184.99	45.00
	185.00 to 189.99	46.00
	190.00 to 194.99	48.00
	195.00 to 199.99	49.00

.....50.00
Take 25% of net amount after taxes
when over \$200.00.

(Name of Court)
(Jurisdiction)

APPLICATION FOR THE APPOINTMENT OF A TRUSTEE

In the Matter of)
)
)
_____)
Debtor) Case No. _____
APPLICATION

Judge
Presiding Judge of said Municipal Court:

The undersigned, upon whom a demand has been made in accordance with §1911.40 of the Ohio Revised Code, respectfully makes application for the appointment of a trustee to receive that portion of the personal earnings of your applicant, the debtor, in the above entitled case, not exempt from execution, attachment or proceedings in aid of execution, and such additional sum the undersigned debtor may voluntarily pay or assign to such trustee. Such trustee to distribute such funds as the court or judge or may order.

A full, accurate and complete statement, under oath, of the names of the unsecured creditors with liquidated claims, their addresses and amount due and owing to each and also the amount due and owing to each for work or labor or for necessities, is herewith filed.

Dated this _____ day of _____, 19__

Debtor

STATEMENT AS TO UNSECURED CREDITORS

CASE NO. _____

_____ Debtor	_____ Place of Employment
_____ Address	_____ Gross

The following is a full, accurate and complete statement to the date of filing hereof of the names of the unsecured creditors of the undersigned with liquidated claims, their addresses, and amount due and owing to each and also the amount due and owing to each for work or labor, or for necessities:

Name	Address	Amount due and owing

The state of Ohio, (name of county), ss.

The undersigned being duly sworn says that the foregoing statement is full, accurate, and complete.

Debtor

Sworn to me and signed in my presence this ___ day of _____ 20 ____.

Clerk _____

Court: _____

By: _____

(Name of Court)
(Jurisdiction)

JOURNAL ENTRY - ORDER DESIGNATING CLERK TO ACT AS TRUSTEE

IN THE MATTER OF)
)
)
 _____)
 Debtor

Case No. _____

ORDER

It is hereby ordered that _____, Clerk of the Court, be and is hereby designated to act as Trustee in the above entitled case, to serve without additional compensation.

Said Clerk as such Trustee to receive that portion of the personal earnings of the debtor not exempt from execution, attachment or proceedings in aid of execution and such additional sum as the debtor may voluntarily pay or sign to such Trustee; and distribute such fund pro rata to the unsecured creditors in manner and as provided by law.

Judge

The state of Ohio, (Name of County), ss.

The undersigned, Clerk of Court, and in whose custody the Files, Journals and Records of said Court are required by the laws of the State of Ohio to be kept, hereby certifies that the foregoing is taken and copied from the Journal of the proceedings of said Court, that the same has been compared by me with the original entry on said Journal and that it is a true and correct copy thereof.

Sworn to before me and signed in my presence this _____ day of _____ 19____.

Clerk
Court
By: _____
Deputy Clerk

(Name of Court)
(Jurisdiction)

[Empty rectangular box for stamp or signature]

NOTICE TO CREDITOR

TRUSTEESHIP NO. _____

You are hereby notified that the CLERK of (Name of Court) (full address) has been appointed TRUSTE for the above named DEBTOR.

You have been listed as a CREDITOR in the approximate amount of \$ _____

This TRUSTEESHIP is in accordance with provisions of §2329.70 of the Ohio Revised Code,

“No proceedings in attachment, aid in execution or other action to subject the personal earnings of the debtor to the payment of your claim shall be brought or maintained so long as at least the amount of the personal earnings of debtor not exempt from execution, attachment or proceedings in aid of execution are paid to the Trustee.”

DEBTOR is required to deposit assigned earnings with the Clerk of this Court, each pay period, and to furnish proof of gross earnings. FAILURE to do this will result in CANCELLATION of the Trusteeship. CREDITORS will be notified and may then take such action against DEBTOR as they choose.

Disbursement of monies deposited will be made, pro-rata, to Creditors beginning in the month of _____ and EVERY THREE MONTHS thereafter.

CREDITORS are required to mail signed statement of indebtedness, by return mail.

Sworn to before me and signed in my presence this _____ day of _____ 19____.

~~Secured Creditors DO NOT LOSE~~ any rights specified under the mortgage contract EXCEPT that attachment of

Clerk

debtors earnings is prohibited during term of trusteeship.

Court
By: _____
Deputy Clerk

(For your convenience, you may complete and return attached Statement of Claim)
Clerk, (Name of Court STATEMENT OF CLAIM
(Address)

In the Matter of:

Debtor

Trusteeship No. _____

The correct amount due and owing from the above Debtor is \$ _____

Signed _____

Address _____

City _____

(Name of Court)
(Jurisdiction)

IN THE MATTER OF

JOURNAL ENTRY

TRUSTEESHIP NUMBER

Upon representation by the Clerk of Court of (name of Court) (Jurisdiction) that

_____ has failed to make payments into

Trusteeship account number _____ as required by §2329.70 of the Ohio

Revised Code. It is the order of this Court, that said Trusteeship account number

_____ is terminated effective _____, 19____.

Judge

APPROVED BY:

Clerk
(Name of Court)
(Jurisdiction)