

How To Avoid Having Your Wages Attached: **File A Trusteeship!**

Trusteeships:

- You can avoid having your wages attached if you file a trusteeship in this Court.
- If you owe more than one debt, they can all be included in this filing.
- Read this pamphlet.

Trusteeship Requirements:

- Live in Carroll County
- Received a notice your wages are to be attached in the next 15 to 45 days.
- Pay an amount each payday to the Court
- The amount will be determined by the Court
- If you do not pay the amount each payday your trusteeship will end and you can not file again for at least 6 months.

The Carroll County Municipal Court

Trusteeships

If someone has sued you and you owe them money, that person or company is going to try and collect that amount you owe.

One way for them to do this is to attach your wages. This is called a garnishment of personal earnings.

You can file a trusteeship to stop this attachment from taking place. If you live in Carroll County, you will file this request in the Carroll County Municipal Court.

The clerks of the Court have this form for you to fill out.

You will have to pay a portion of your wage to the Court each payday.

You can include every person or company you owe money to in this trusteeship.

The money you pay each payday to the Court will be divided up among all the people or companies you owe.

As long as you are paying

the correct amount each payday these creditors (the people you owe) can not attach your wages.

These creditors can not call you and threaten you or harass you while you are in a trusteeship.

If you do not want to include some of your creditors you can leave them out of this process.

If you forget one of your creditors you can add them when you discover this mistake.

The Procedure To Follow For A Trusteeship

A creditor is required to have a form mailed to you that is called a "Notice Of Court Proceeding To Collect Debt."

This form is telling you that your wages will be attached if you do not pay the entire debt, file for trusteeship or file for credit counseling within 15 days.

To file for a trusteeship you must get the form from the Carroll County Municipal Court. Fill in the form and pay the court costs of \$65.00.

Part of the form is where you will list all of the

creditors that you want to include. You must list their name, address where you pay the debt, the amount that is owed and the account number.

If you are not sure of some of this information, you should bring your paperwork to the clerks and have them review that paperwork for the correct address and account numbers.

If another creditor is omitted and later discovered, you may add them. If another person becomes a creditor after the appointment of a

trustee they may be added to the list and share in the distribution.

You will not be able to continue to use any credit cards that you list in the trusteeship.

You will be required to surrender those credit cards to the Court. They will be shredded.

You must bring two pay stubs for the two pay periods immediately prior to your filing for trusteeship or a letter from your employer that shows

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Procedure To Follow For A Trusteeship (continued)

what your disposable earnings were for those two pay periods.

“Disposable earnings” means pay you have earned after deductions required by law such as income taxes, (federal, state, local), social security taxes and Medicare taxes. It is not the amount after any child support deduction.

The Clerk of Courts will

calculate what you must pay each payday to the Court.

The Clerk of the Carroll County Municipal Court will serve as the trustee. She will take your payment and divide it up among your creditors. She will pay your creditors.

You are responsible to make the payment to the Clerk on the day after your

payday. You may pay extra if you want.

You may not miss any payment. If you do, your trusteeship will immediately end and your creditors can start to attach your wages. You will not be able to file for a trusteeship for 6 months from the termination.

Under Ohio law you may be fired for having your wages attached.

*The Carroll County
Municipal Court*

*119 S. Lisbon St.
Suite 301
Third Floor Courthouse
Carrollton, Ohio*

*Office Hours:
Monday thru Friday
8:00 a.m. until 4:00 p.m.*

What Can Not Be Attached ?

The law of Ohio and the United States says that certain benefit payments cannot be taken from you to pay a debt:

- 1) Workers' Compensation Benefits;
- 2) Unemployment Compensation payments;
- 3) Cash assistance payments under the Ohio works first program (OWF, was called ADC);

- 4) Social Security benefits;
- 5) Supplemental Security Income (S.S.I.);
- 6) Veteran's benefits;
- 7) Black lung benefits;
- 8) Certain benefits paid by Ohio Dept of Jobs & Family Services
- 9) Certain pension or annuity payments

If you believe a creditor is

trying to attach money from one of these exempt payments you MUST file a “Request For Hearing” form with the Court. This form was sent to you when the notice of attachment was mailed to you.

Fill that request form out and take it to the Court to have it filed. If you do not do this within 5 business days of when you received it, you will not be entitled to a hearing.

Why File A Trusteeship ?

If you feel like all the mailman brings you is a flood of bills, if you feel like all the phone calls you get are from collection agencies, or if you are having a hard time paying all those different bills each payday, you could be better off if you filed a

trusteeship. About 25% of your pay would be divided among all of your creditors each month and you would no longer be trying to balance a budget stretched to the maximum.

This arrangement can go on as long as it takes to

pay all of those creditors off or until you decide to stop it.

This could actually give you some breathing room on your monthly budget.

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Why File A Trusteeship ? (continued)

You can include in this trusteeship those creditors that are called "secured creditors".

What is meant by that is a company that has loaned you money and has a lien on something. Maybe it is a lien on your car, a car loan, or maybe it is a lien on your furniture or a lien on your home, a home mortgage.

These "secured creditors" have the right to ask the Court NOT to be made a part of your trusteeship. If they ask not to be included in the trusteeship, the

Court must excuse them. You would pay the secured creditor the normal monthly payment you are suppose to.

Many people who file for a trusteeship do not include these "secured creditors". They want to continue making their normal car payment and house payment. They just need to get some relief from the credit cards, store charge cards and other loans that are overwhelming the budget.

If you are in a trusteeship, a creditor can sue you for

the balance you owe them. Lawsuits are not stopped by the filing of a trusteeship. But they can not harass you or attach your wages. They can attach other items that are not exempt from attachment. An example may be jewelry worth more than \$1,350.00 or furnishings, appliances, firearms, hunting or fishing equipment worth more than \$10,775.00.

Until it starts raining money, a trusteeship may be of some financial help.



Is this perfect weather?

A Final Thought

Financial stress places you under other types of stress as well. It affects how you deal with your spouse or loved ones. Your temper and patience is shortened by your preoccupation with the money troubles in your home.

Trying to get by on an ever decreasing amount of money means you have to make hard choices. Those hard choices can then add further stress.

There are other means of getting financial relief.

There is the United States Bankruptcy Court. A lawyer who handles bankruptcy cases can give you advice as to whether that court can help you.

There are debt solution companies that promise help with dealing with the crush of creditors. Be very careful when selecting one of these companies. This Court has seen many that charge large fees which just means there is less money to pay the creditors.

This pamphlet is by no

means a complete guide on financial solutions that may be available for you.

It is just an attempt to explain a rather simple and cheap method to avoid having your wages attached and of how to provide for an orderly payment of your outstanding debts.

If you need further help, you should contact an attorney.

The Carroll County Municipal Court

119 S. Lisbon St.
Third Floor Courthouse
Carrollton, Ohio

330-627-5049

This pamphlet was written and published by Judge Charles A. Johnston

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