

## TRUSTEESHIP

All applications for Trusteeship will follow ORC 2329.70 and Local Rule 16

1. A person making application for appointment of a trustee must have in his/her possession a fifteen day notice of garnishment that has been served on him/her by a creditor.
2. The debtor must be a resident of Shelby County or a non-resident of Ohio employed in Shelby County and must be subject to garnishment in accordance with the law.
3. Application must be accompanied by a statement as to creditors, containing the name and complete address of each creditor, what was purchased, amount due to each creditor and the account number.
4. No debt for \$50.00 or less shall be included in the trusteeship.
5. Debtor shall pay to the Trustee twenty-five percent (25%) of his/her gross income, less taxes only, weekly, bi-weekly or monthly, according to their pay schedule. Other items which appear on check stubs which are withheld such as union dues, credit union charges, insurance, savings or anything of this nature will be included in the wages on which the 25% is based. Debtor's paystub shall be submitted with each trusteeship payment.
6. Any payment which is ten days late will cause the trusteeship to be dismissed. If the debtor misses two consecutive payments to the Trustee and the reason for missing the payment is that the debtor has not worked or has not received wages from their employer, the debtor must, by the date that the second payment is due, submit to the Trustee a written statement from the employer indicating that no wages were paid for the preceding work period. The debtor may not reopen or file for a new trusteeship within six months without satisfactorily showing that the failure to pay was not due to willful negligence.
7. If the debtor becomes unemployed a minimum payment of \$10.00 per week must be paid to the Trustee.
8. Distribution to creditors will be made when \$800.00 has been accumulated in the trusteeship. A fee of 2% of the distribution will be assessed to cover costs. Debtor will be advised of amount distributed and new balances due creditors.
9. Debtor shall notify the Court immediately of any change in address or employment.

10. A secured creditor may elect not to participate in the trusteeship. Therefore the debtor would be required to make payment directly to them over and above the amount that is paid into the trusteeship. Failure of the debtor to make payments to the secured creditor who does not wish to participate in the trusteeship can result in the creditor repossessing the property that is given as security. However, no creditor can garnish the debtor's wages while they are in trusteeship regardless of whether the creditor has or has not elected to participate in the trusteeship.