

## **LOCAL RULE 26**

### **PROCEDURE ON EXECUTIONS**

**26.1** When a judgment creditor files a praecipe for a Writ of Execution with the Clerk of a Common Pleas Court, the clerk shall issue a Writ of Execution and cause a Notice and a Request for Hearing Form to be served upon the judgment debtor.

#### **26.2 Requests for Hearing Form**

The Hearing Request Form that is served upon the judgment debtor shall have attached to it a postage-paid, self-addressed envelope or shall be on a postage-paid addressed postcard.

- 26.3**
- A. A judgment debtor shall receive a hearing in accordance with this division if he delivers a written request for a hearing to the Clerk of the Court within five (5) business days after receipt of this notice required under this Rule. The judgment debtor may set forth on the request its reasons for believing that some or all of its property is exempt from execution, but neither its inclusion of reasons on the request nor its failure to include reasons constitutes a waiver of any defense or affects its right to produce evidence at any hearing.
  - B. If the judgment debtor makes the request within the prescribed time, the Court shall schedule a hearing no later than twelve (12) days after the Court receives the request, unless the judgment debtor advises the Court that an emergency hearing is necessary, in which case, the Court shall schedule the hearing as soon as practicable after the request is made. The Clerk of Court shall send notice of the date, time, and place of the hearing to the parties in accordance with this Local Rule. The hearing shall be limited to a consideration of the amount of the property of the judgment debtor that can be executed upon to satisfy all or part of the debt owed to the judgment creditor.
  - C. If the judgment debtor does not request a hearing within the prescribed time, the Court may grant a hearing if, prior to the sale of the property by the levying officer, the judgment debtor establishes a reasonable justification for its failure to request the hearing within the prescribed time.

**26.4** The Clerk of Courts shall send any Notice of Hearing to the parties by regular mail or otherwise in accordance with Rule 5 of the Rules of Civil Procedure.

**26.5** If a defendant requests a hearing as set forth in this Local Rule, the Court shall schedule a hearing within twelve (12) business days of the receipt of the Clerk of the Court of the request for hearing from the defendant and shall cause notice of such hearing to be sent to both the defendant and the plaintiff by ordinary or regular mail at least seven (7) days prior to the scheduled hearing.

**26.6** The provisions of this Local Rule shall be in addition to and not in lieu of all other requirements and procedures contained in the Ohio Revised Code on the subject of executions against property. As of the effective date of any conflicting procedures on executions which may hereafter be enacted into law in this State, this Local Rule shall be deemed to have been impliedly repealed and/or amended.