

RICHLAND COUNTY COURT OF COMMON PLEAS, GENERAL DIVISION

YOU HAVE BEEN NAMED AS A DEFENDANT IN A DEBT COLLECTION CASE.

Why am I receiving this notice, complaint, and summons?

A debt collection lawsuit has been filed against you in the Richland County Common Pleas Court. The case was filed by a lender or creditor, called the “plaintiff.” The plaintiff has identified you as a person who has incurred a debt and failed to make payment to resolve the debt. You will be identified as a “debtor” and the “defendant” during this lawsuit. If the plaintiff is successful in this case, your wages and bank accounts could be garnished, or your personal property could be seized to pay the debt.

What happens in a debt collection case?

You have 28 days to file an answer in this case. If you do not file an answer, the plaintiff will be able to obtain a default judgment against you for the alleged debt plus interest, court costs and fees. If you do file an answer, then any disputes raised in your answer that have legal merit must be resolved before judgment can be taken against you.

After a judgment is granted, the plaintiff has various debt collection options, such as garnishments, attachments of bank accounts, and seizure of other personal property. A debt collection lawsuit is typically closed by a judgment entry within six months to a year after the case was filed; however, the post-judgment collections actions can continue for as long as necessary to collect the full judgment amount.

What if I want to make payment arrangements, settle the case, or cannot make payments?

If an attorney does not represent you, you may contact the plaintiff’s attorney directly to negotiate a payment plan or other settlement agreement. If an attorney does represent you, settlement negotiations should occur between your attorney and the plaintiff’s attorney. The plaintiff’s attorney is required to provide his or her name and contact information. This information can be found in the signature block of the complaint or in the case management system which can be accessed on the Court’s website at <https://eservices.richlandcountycpcourt.org/eservices/home.page.2>

If you have a reasonable belief that you cannot pay all your debts as they become due, you may wish to consult with a bankruptcy attorney.

What should I do now?

As soon as possible, you should file an answer with the Richland County Clerk of Courts and mail a copy of the answer to the attorney for the plaintiff. The Clerk of Courts is located on L2 of the County Administration Building located at 50 Park Avenue East, Mansfield, Ohio. The answer should state whether you dispute the debt or want to try to resolve the debt before judgment is taken against you. In the answer you may also point out any disagreements that you have with the statements the plaintiff made in its complaint. **This answer must be received by the Clerk no later than 28 days after the complaint was served on you or a default judgment can be entered against you.** If an attorney represents you, the attorney should file the answer on your behalf before the 28 days have passed.

You may fill out the enclosed "Answer in Debt Collection Case" as your answer or you may draft your own answer. The Court encourages you to seek legal help in drafting your answer or understanding your rights. If you lack sufficient funds to retain an attorney, you may qualify for assistance from Legal Aid of Western Ohio, 877-894-4599. In certain cases, volunteer attorney assistance may be obtained by phoning the Ohio State Bar Association at (800) 232-7124 or (614) 487-8585.

WARNING! BEWARE OF DEBT CONSOLIDATION RESCUE SCAMS!

Any organization that asks you to pay up front for help avoiding debt collection may be operating a scam. Help is available **free of charge** through the following court-approved social services agencies:

Apprisen (formerly Consumer Credit Counseling Services) meets with debtors to review their income and expenses and provide a realistic picture of their financial position. Telephone: Columbus, Ohio office (800) 355-2227; Canton, Ohio office (330) 452-3115.

Catholic Charities: Catholic Charities provides free budgeting and financial education to realistically assess your ability to make debt payments. Contact Catholic Charities at 2 Smith Avenue, Mansfield, OH 44905. Telephone 419-524-0733.

What happens next?

The Court will send you notice of an Initial Scheduling Conference which you should attend. Court staff will conduct the conference at which you will have a chance to briefly discuss the status of the case with the plaintiff's attorney. You may make arrangement for further negotiations with the plaintiff's attorney outside the presence of court staff. At this meeting you should be aware that the case is likely to be scheduled for a follow-up telephone conference call, or for a bench trial.

RICHLAND COUNTY OHIO COURT OF COMMON PLEAS, GENERAL DIVISION

(From Complaint: Lender or Creditor)

Case No. _____
(From Complaint)

Plaintiff(s)

v.

**ANSWER IN DEBT
COLLECTION CASE**

(Your name)

1. How do you intend to resolve this debt collection case?

_____ I intend to pay off the entire balance as a lump sum payment.

_____ I would like to work with the lender/plaintiff to come to a monthly payment agreement.

_____ I intend to file for bankruptcy protection.

_____ I don't care what happens in this case.

2. I have missed making the payments on this debt due to:

_____ injury or illness.

_____ loss of job.

_____ expenses more than income.

_____ divorce, separation, or break up of household.

_____ other reason (describe) _____

3. Is anyone else, such as a spouse or co-signer obligated to pay this debt? **YES NO**
(Circle one)

4. Who? _____

5. Have you filed bankruptcy? **YES NO** Bankruptcy Case. No. _____
(Circle one)

6. If you intend to file for bankruptcy, where are you in the process?

_____ Just thinking about it.

_____ I have had an initial consultation with an attorney but have not filed yet.

_____ I need to pay the attorney fees and filing fees.

_____ I am ready to file now.

7. Do you dispute any of the statements made in the complaint? **YES NO**
(Circle one)

8. If you do dispute the statements in the Complaint, state the reasons you dispute them. You may wish to consult with an attorney before you answer this question. Attach an additional sheet if you do not have enough room to write below.

(signature)

(street address)

(city, state, and zip code)

(email address)

Telephone Number where you may be reached Monday – Friday 9:00 a.m. – 5:00 p.m.

Work Home Cellphone (Circle one)

CERTIFICATE OF SERVICE

I have sent a copy of this answer to the attorney for the plaintiff who filed the complaint in this case, to the attorney at the address listed at the end of the complaint.

(Signature)