AFFIDAVIT, ORDER AND NOTICE OF GARNISHMENT AND ANSWER OF EMPLOYER

(PERSONAL EARNING	8) (ORC 2716.02; 03, 04, 05, 06)
<u> </u>	The State of Ohio
	County of TRUMBULL SS
Judgment Creditor	Ohio
vs.	Case No
	Docket NoPage
Judgment Debtor	
AFFIDAVIT IN SUPPORT OF MOTION FOR ORDER OF GARNISHMEN	NT OF PERSONAL EARNINGS 1
The undersignedthe	2, being first duly sworn, state that
The name of the Judgment Debtor whose personal earnings the Judgment Creditor se	: • • •
	The state of the s
personal earnings as described in Section 2716,02 of the Ohio Revised Gode 5. Affiant has no knowledge of any application by the Judgment Debtor for the appointm 6. The affiant has no knowledge that the debt to which the affidavit pertains is the subject earnings of the Judgment Debtor under division (B) of Section 2716,03 of the Ohio R 7. The Judgment Creditor has obtained judgment against the Judgment Debtor which re	d Code has not been made, nor has a sufficient portion been made, to prevent the garnishment of the Judgment Debtor's personal earnings of a debt scheduling agreement of such a nature that it precludes the garnishment of the personal evised Code. mains unsatisfied Ohlo on
The second secon	Notary Public State of Ohio
than 30 days after last successful garnishment filing nor sooner than 45 days after default	and letter, or process server's return or all of these - stamped completed certificate of mailing a
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	TMAN AND THE TRANSPORT OF THE T
SECTION A. COURT ORDER AND NOTICE OF GARNISHMENT 1, 2	
-	On white
To the second se	, Garnishee
of the United States. You are therefore ordered to complete the "ANSWER OF EMPLOYER (GARNISHEE)" in within five (5) business days after you receive this order of garnishment together with the ar	e of that money may not be exempt from garnishment under the laws of the State of Ohio or the laws. Section B of this form. Return one completed and signed copy of this form to the clerk of this court mount determined in accordance with the "ANSWER OF EMPLOYER (GARNISHEE)." Deliver one com- THE JUDGMENT DEBTOR" and "REQUEST FOR HEARING" to the judgment debtor. Keep the other
completed and signed copy of this form for your files. The total probable amount now due on this judgment is \$ The total probable which is \$ interest on that judgment and, if applicable, prejudgment interest	pable amount now due includes the unpaid portion of the judgment in favor of the judgment creditor, relative to that judgment at the rate of% per annum payable until that judgment is satisfied in
This order of gamishment of personal earnings is a continuous order that generally requested. EMPLOYER (GARNISHEE)," from the judgment debtor's personal earnings during each pay judgment creditor and the associated court costs, judgment Interest, and, if applicable, prejugenerally must pay that specified amount to the clerk of this court within thirty (30) days aft "INTERIM REPORT AND ANSWER OF GARNISHEE" substantially in the form set forth in Set NISHEE" is attached to this order of garnishment of personal earnings, and you may photocome of garnishment of personal earnings generally will remain in effect until one (1) The total probable amount due on the judgment as described above is paid in full as during each pay period of the judgment debtor following your receipt of the order. (2) The judgment creditor files with this court a written notice that the total probable and (3) A municipal or county court appoints a trustee for the judgment debtor and issues to (4) A federal bankruptcy court issues to you an order that stays this order of garnishmen (5) A municipal or county court or a court of common pleas issues to you another ordereditor, and Ohio or federal law provides the other order with a higher priority than this ordereditor, and Ohio or federal law provides the other order with a higher priority than this ordereditor, and Ohio or federal law provides the other order with a higher priority than this ordereditor, and Ohio or federal law provides the other order with a higher priority than this ordereditor, and Ohio or federal law provides the other order with a higher priority than this ordereditor.	of the following occurs: s a result of your withholding of the specified amount from the judgment debtor's personal earnings mount due on the judgment as described above has been satisfied. so you an order that stays this order of garnishment of personal earnings. ent of personal earnings. er of garnishment of personal earnings that relates to the judgment debtor and a different judgment decrease of garnishment of personal earnings that relates to the judgment debtor and a different judgment decrease.
creditor and that does not have a higher priority than this order.	

Under any of the circumstances listed above, you are required to file with this court a "FINAL REPORT AND ANSWER OF GARNISHEE" substantially in the form set forth in Section 2716.08 of the Ohio Revised Code. A copy of the "FINAL REPORT AND ANSWER OF GARNISHEE" is attached to this order of garnishment of personal earnings. Under the circumstances listed in (5) and (6) above, you must cease processing this order of garnishment one hundred eighty-two (182) days after you began processing it. Special stacking, priority of payment, and manner of payment rules apply when a garnishee receives multiple orders of garnishment with respect to the same judgment debtor. These rules are set forth in section 2716.041 of the Ohio Revised Code. You should become familiar with these rules. Witness my hand and the seal of this court this __ _ day of _ SECTION B. ANSWER OF EMPLOYER (GARNISHEE) (An employer is one who is required to withhold payroll taxes out of payments of personal earnings made to the judgment debtor.) . (Answer all pertinent questions) , the employer (garnishee) herein, who says: This order of garnishment of personal earnings was received on_ The judgment debtor is in my/our employ. If answer is "No", give date of last employment. 3. (A) Is the debt to which this order of garnishment of personal earnings pertains the subject of an existing agreement for debt scheduling between the judgment debtor and a budget and debt counseling service and has the judgment debtor made every payment that was due under the agreement for debt scheduling no later than forty-live days after the date on which the payment was due? If the answer to both parts of this question is "Yes," give all available details of the agreement, sign this form, and return it to the court. (B) Were you, on the date that you received this order of garnishment of personal earnings; withholding moneys from the judgment debtor's personal earnings pursuant to another order of garnishment of personal earnings that Ohio or federal law provides with a higher priority than this order of garnishment of personal earnings (such as a support order or Internal Revenue Service levy)? If the answer to this question is "Yes," give the name of the court that issued the higher priority order, the associated case number, the date upon which you received that order, and the balance due to the relevant judgment creditor under that order, and the balance due to the relevant judgment creditor under that order. (C) Did you receive prior to the date that you received this order of garnishment of personal earnings one or more other orders of garnishment of personal earnings that are not described in question 3(B), and are you currently processing one or more of those orders for the statutorily required 182-day period or holding one or more of those orders for processing for a 182-day period in the sequence of their receipt by you? If the answer to this question is "Yes," give the name of the court that issued each of those previously received orders, the associated case numbers, the date upon which you received each of those orders, and the balance due to the relevant judgment creditor under each of those orders. List first the previously received order(s) that you are currently processing, and list each of the other previously received orders in the sequence that you are required to process them. (A) State whether the pay period of the judgment debtor is weekly, biweekly, semimonthly, or monthly (do not enter a pay period of more than one month): (B) Enter the disposable earnings of the judgment debtor earned during the judgment debtor's present pay period. ("Disposable earnings" means earnings after deductions required by law. "Present pay period" means the pay period in which you receive this order of parnishment of personal earnings.) (C) If the judgment debtor's pay period is weekly, enter on line 4(C) an amount equal to six and one-quarter per cent (6.25%) of the judgment debtor's disposable earnings set forth on line 4(B). If the judgment debtor's pay period is biweekly or semimonthly, enter on line 4(C) an amount equal to twelve and one-half per cent (12.5%) of the judgment debtor's disposable earnings set forth on line 4(B) If the judgment debtor's pay period is monthly, enter on line 4(C) an amount equal to twenty-five per cent (25%) of the judgment debtor's disposable earnings set forth on line 4(B). 5. (A) If the judgment debtor is paid weekly, enter thirty times the current federal minimum hourty wage; if paid biweekly, enter sixty times the current federal minimum hourly wage; if paid semimonthly, enter sixty-five times the current federal minimum hourly wage; if paid monthly, enter one hundred thirty times the current federal minimum hourly wage: (B) Enter the amount by which the amount on line 4(B) exceeds the amount on line 5(A): Enter on line 6 the smallest of the amount entered on line 4(C); or the amount entered on line 5(B); or the total probable amount now due on the judgment, including interest and costs, as indicated in section A of this form. Pay the amount entered on line 6 into this court when returning this form: I certify that the statements above are true: Print Name of Employer Print Name and Title of Person Who Completed Form (Signature of Person Completing Form) 1 Three copies required to be served on the garnishee ORC § 2716.05. Required to be served at the same time as this form are 2 copies of Notice to Judgment Debtor and Hearing Request. Service on the garmishee shall be in the same manner as for the service of a summons, ORC § 2716.05. Praecipe must be given to the Clerk unless Court sends out forms without praecipe. 2 Section A completed before service ORC § 2716.05. Note that the second Garnishee must answer in five business days. ORC § 2716.21. Garnishee delivers one copy of this form and two copies of Notice form and Hearing Request to Judgment Debtor. THE FOLLOWING FOR COURT USE ONLY I CERTIFY THIS TO BE A TRUE COPY OF THE ORIGINAL WITH ALL ENDORSEMENTS THEREON.

Signature of Person Serving Order RECEIVED THIS WRIT ON THE I SERVED THIS WRIT ON THE WITHIN NAMED GARNISHEE(S) BY MAILING A TRUE COPY OF THIS ORDER OF GARNISHMENT 🔲 BY CERTIFIED MAIL 🔲 BY REGULAR MAIL BY LEAVING A TRUE COPY OF THE ORDER OF GARNISHMENT ☐ AT USUAL PLACE OF RESIDENCE ☐ AT COMPANY OR CORPORATION Title ☐ WITH GARNISHEE PERSONALLY ☐ GARNISHEE - NOT FOUND Signature of Person Serving Order



NOTICE TO THE JUDGMENT DEBTOR OF **GARNISHMENT OF PERSONAL EARNINGS¹**

		:			Court
		:			
		:	.		, Ohio
		:			
	Judgment Creditor	:			
VS.		:	· .	•	
		· :			
		:	Case No		
<u> </u>		:			
		· :			
	Judgment Debtor	· :			
You are hereby notified that this Court has is					
		ent Creditor in this pro	ceeding, directing that s	some of your personal ea	arnings, be used in
satisfaction of your debt to the Judgment Credito	r instead of being paid to y	ou. This order was iss	ued on the basis of the	Judgment Creditor's jud	Igment against you
that was obtained in					
				4 on_	5
The law of Ohio provides that you are entitle certain amount may never be used to satisfy the of that are enclosed with this notice show how the a lf you dispute the judgment creditor's right to are exempt, or if you feel that this order is improjing form, appearing on the reverse side, or in a siclerk of this court, no later than the end of the fiftigarnish your personal earnings in the space provicreditor's right, you are not prohibited from stating you can state your reasons at the hearing. NO OB ited to a consideration of the amount of your personal than twelve days after your request is received believe that the need for the hearing is an emerge ticable after your request is received and will send than the end of the fifth business day after you relater immediately. If you need the name of a law	claims of creditors. The documount proposed to be taken agarnish your personal earn per for any other reason, you betantially similar form, and business day after you readed on the form; however, you any other reason at the huse of the date of the count, and the count of the count, and the count of the date, time ceive this notice, some of you may contact the count, you may contact the count.	uments entitled "ORDE n out of your personal nings and believe that y umay request a hearin d delivering the reques evive this notice. You m you are not required to nearing. If you do not s ENT ITSELF WILL BE H can be used in satisfact than the end of the fifth urt will send you notice yen priority by the cour e, and place. If you do our personal earnings office of the clerk of the	er AND NOTICE OF GAR earnings was calculated ou are entitled to posses ing before this court, by st for hearing to this cou hay state your reasons for do so. If you do not state state your reasons, it wi EARD OR CONSIDERED ion of the judgment you not the date, time, and p t. If you do so, the cour not request a hearing by will be paid to the judgr	INISHMENT AND ANSWI d by your employer. ssion of the personal ear disputing the claim in the urt at the above address, or disputing the judgmer ate your reasons for disp ill not be held against you of AT THE HEARING. The ar owe to the judgment or a receive this notice, it we place. You may indicate in the will schedule the hearing delivering your request- ment creditor.	rings because they are request for hear at the office of the at creditor's right to uting the judgmen u by the court, and hearing will be limited to conducted non the form that young as soon as practor hearing no later
		 -	Clerk of th	ne Court/Deputy Clerk	
				Date	

	Court			
	Street Address			
	, Ohio			
Case No.	, Date,			
	REQUEST FOR HEARING ⁶			
after delivery of this request to the court. I feel tha	t the need for the hearing is an emergency.			
l dispute the judgment creditor's rig	ht to garnish my personal earnings for the following reasons:			
	Optional			
I UNDERSTAND THAT NO OBJECTION	ONS TO THE JUDGMENT ITSELF WILL BE HEARD OR CONSIDERED AT THE HEARING.			
	Printed Name of Judgment Debtor			
	Signature			
	Street Address			
	City, State, Zip Code			
	Area Code and Telephone Number			

WARNING: IF YOU DO NOT DELIVER THIS REQUEST FOR HEARING OR A REQUEST IN A SUBSTANTIALLY SIMILAR FORM TO THE OFFICE OF THE CLERK OF THIS COURT WITHIN FIVE (5) BUSINESS DAYS OF YOUR RECEIPT OF IT, YOU WAIVE YOUR RIGHT TO A HEARING, AND SOME OF YOUR PERSONAL EARNINGS WILL BE PAID TO THE JUDGMENT CREDITOR IN SATISFACTION OF YOUR DEBT TO THE JUDGMENT CREDITOR.

NOTE - Some Courts may themselves provide some of the required forms.

¹This Notice must be served on the Garnishee and delivered to the Judgment Debtor. ORC § 2716.06(A).

²Name and address of Judgment Creditor.

³Name of Court.

⁴Case Number.

⁵Date.

⁶An envelope, addressed to the Court, postage paid, must be attached. ORC § 2716.06(A) (2).



INTERIM REPORT AND ANSWER OF GARNISHEE

	Court
	, Ohio
	<u>:</u>
Judgment Creditor	:
vs. 	:
	: Case No
	Case No.
	:
Judgment Debtor	•
The garnishee, in the above cas	e states as follows:
The date that the garnishee received the ordewas	er of garnishment of the judgment debtor's personal earnings
2. The total probable amount due on the judgment, inc	cluding court costs, judgment interest, and, if applicable, prejudgment
	nt of the judgment debtor's personal earnings or in the affidavit of current
	eived subsequent to the order of garnishment is \$
than one month):	, blweekly, semimonumy, or monthly. Do not enter a pay period of more
•	d during the judgment debtor's present pay period is ("Disposable earn-
	ent pay period" means the pay period for which you are completing this
Interim Report and Answer of Garnishee.) \$	
5. The amount equal to twenty-five percent (25%) of the just \$	udgment debtor's disposable earnings set forth in Section 4 of this form
6times the current federal minimum hourly v	wage is (If the judgment debtor is paid weekly, enter thirty above, if paid
	f paid monthly, enter one hundred thirty, then calculate the amount):
7. The amount by which the amount in section 4 of this fo	·
8. The smallest of either the amount entered in Section 5 centered in Section 2 of this form, is \$	of this form, the amount entered in Section 7 of this form, or the amount
	 inus (as appropriate) the garnishee's processing fee is \$
	ount entered in Section 2 of this form, then add up to three dollars (\$3);
otherwise subtract up to three dollars (\$3).	(+=),
10. Other deductions: \$	
	udgment debtor's personal earnings during the judgment debtor's pres-
ent pay period and that is submitted with this "INTERIM REPO	ORT AND ANSWER OF GARNISHEE" is \$
I certify that the statements above are true.	
	(Print Name of Employer)
Signed	(Print Name and Title of Person Who Completed Form)
Signed(Signature of Person Who Completed Form)	
Dated this,,	



FINAL REPORT AND ANSWER OF GARNISHEE Court Ohio Judgment Creditor Case No. ___ Judgment Debtor The garnishee, ______ in the above case states as follows: 1. The date that the garnishee received the order of garnishment of the judgment debtor's personal earnings was 2. The total probable amount due on the judgment, including court costs, judgment interest, and, if applicable, prejudgment interest, as stated in section A of the order of garnishment of the judgment debtor's personal earnings, is \$ 3. The total amount that has been withheld from the judgment debtor's personal disposable earnings and paid to the court while the order of garnishment of the judgment debtor's personal earnings remained in effect is \$ 4. (When applicable) the total probable amount due on the judgment (as stated in 2 above) is not equal to the total amount that has been withheld (as stated in 3 above), and the reason for that difference is that the order of garnishment of the judgment debtor's personal earnings ceased to be in effect for the following statutorily prescribed reason(s). (Check whichever apply): __ A municipal or county court appointed a trustee for the judgment debtor and issued an order that stays the order of garnishment of the judgment debtor's personal earnings. A federal bankruptcy court issued an order that stays the order of garnishment of the judgment debtor's personal earnings. _ A municipal or county court or a court of common pleas issued another order of garnishment of personal earnings that relates to the judgment debtor and a different judgment creditor, and Ohio or federal law provides the other order a higher priority. (Set forth the name of the court that issued the higher priority order, the associated case number, the date that the higher priority order was received, and the balance due to the relevant judgment creditor under that order): (d) ______ A municipal or county court or a court of common pleas issued another order of garnishment of personal earnings that relates to the judgment debtor and a different judgment creditor, and that is not described in 4(c) above. (Set forth the name of the court that issued the subsequently received order, the associated case number, the date that the subsequent order was received, and the balance due to the relevant judgment creditor under that order):_ (e) ______ The judgment creditor or judgment creditor's attorney has issued a request that the order of garnishment be terminated and the garnishee released from the mandates of the order of garnishment. (f) _____ Judgment debtor's employment terminated on: _____ (a) Other: I certify that the statements above are true. (Print Name of Employer) (Print Name and Title of Person Who Completed Form on behalf of the Employer) Signed_ (Signature of Employer or Employer's Agent)

Dated this ______ day of ___

NOTICE OF COURT PROCEEDINGS TO COLLECT DEBT TRUMBULL COUNTY EASTERN DISTRICT COURT TRUMBULL COUNTY, OHIO

ATTENTION -GARNISHMENT 7130 BROOKWOOD DRIVE BROOKFIELD, OHIO 44403 PHONE: (330) 675-7900

To:	Date of Mailing:
(Name of judgment debtor)	CASE NO
(Last known residence address of the judgment debtor)	CASE NO
(City) (State) (Zip Code)	_
You owe the undersigned	\$
(Name of judgment creditor)	(Amount)
including interest and court costs, for which a judgment was ob	
District Court on(Judgment Entry Date)	, payment or which is hereby demanded.
ordered to withhold money from your earnings until the judgm	e precluded by law from doing so, and ask that your employer be ent is paid in full or, if applicable, is paid to a certain extent and
to pay the withheld money to the court in satisfaction of your	debt. This is called garnishment of personal earnings.
It is to your advantage to avoid garnishment of personal earning possibly could cause you to lose your job.	gs because the placing of the extra burden on your employer
YOU CAN AVOID THE GARNISHMENT BY DOING ONE OF THESE DAY PERIOD:	THREE THINGS WITHIN THE FIFTEEN (15)
(1) Pay to us the amount due;	
(2) Complete the attached form entitled "Payment to Avoid Ga due on it; or	rnishment" and return it to us with the payment, if any, shown
jurisdiction your place of employment is located, for the appoin	
purpose of entering into an agreement for debt scheduling. The scheduling in order to avoid a garnishment of your wage an agreement for debt scheduling might protect you from futur scheduling, you will have to regularly pay a portion of your incopaid off. This portion of your income will be paid by the service	es based upon this demand for payment, but entering into re garnishments of your wages. Under an agreement for debt
Name of Judgment Creditor (please print) , S	IGNATURE of Judgment Creditor or Judgment Creditor's Attorney

City

State

Zip Code

Address of Judgment Creditor

PAYMENT TO AVOID GARNISHMENT

(Name of Judgment Creditor)			Address of Judgment Creditor)			
	void the garnishment of personal earnings of which you have given me notice, I enclose \$ ply toward my indebtedness to you. The amount of the payment was computed as follows:					
1.)	Total amount of indebtedness demanded:	(1)	\$			
2.)	Enter the amount of your personal earnings after deductions required by law, earned by you during the current pay period (that is, the pay period in which this demand is received by you):	(2)	\$			
2.1	(A) February and the second of the bit we like a second of	(2) (4)	ф			
3.)	(A) Enter your present pay period (weekly, bi-weekly, semi-monthly, monthly): (B) Enter the date when your pay period ends:	(3) (A) (3) (B)	\$			
	(b) Lines the date when your pay period ends.	(3) (5)	Ψ			
4.)	Enter an amount equal to 25% of the amount on line 2:	(4)	\$			
5.)	(A) The current federal minimum hourly wage is \$ 7.25. (You should use the above figure to complete this portion of the form.) If you are paid weekly, enter thirty (30) times the current federal minimum hourly wage; if paid bi-weekly, enter sixty (60) times the current federal minimum hourly wage; if paid semi-monthly, enter sixty-five (65) times the current federal minimum hourly wage; if paid monthly, enter one hundred thirty (130) times the current federal minimum hourly wage:	(5) (A)	\$			
	(B) Enter the amount by which the amount on line 2 exceeds the amount on line 5A:	(5) (B)	\$			
6.)	Enter the smallest of the amounts on lines 1, 4, or 5(B). Send this amount to the judgment creditor along with this form after you have signed it:	(6)	\$			
	tify that the statements contained above are true to the best of my knowledge and believed by the statements contained above are true to the best of my knowledge and believed by the statements of Judgment Debtor) X It Name and Residence Address of Judgment Debtor) (Signature of Judgment Debtor)	ef.				
shov rece	verify that the amount shown on line (2) is a true statement of your earnings, you must either vn on line (2) is a true statement of your earnings or you may submit copies of your pay stubs iving this notice.) tify that the amount shown on line (2) is a true statement of the judgment debtor's earnings.					
l cer	tify that I have attached copies of my pay stubs for the two pay periods immediately prior to r	ny receivin	g this notice.			
(Sigi	nature of Judgment Debtor)					



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Instructions for Certificate of Mailing — Firm

This service provides evidence that the mailer has presented individual items to the Postal Service™ for mailing, and is available for the following products:

- Domestic services: First-Class Mail®, First-Class Package Service®, Priority Mail®, Media Mail®, Library Mail, Bound Printed Matter, Merchandise Return Service, Parcel Return Service, and USPS Retail Ground™.
- International services: First-Class Mail International® (unregistered items), First-Class Package International Service® (unregistered items), Free Matter for the Blind, and Airmail M-bags®.

The following instructions are for the preparation and use of PS Form 3665, Certificate of Mailing – Firm (including USPS-approved facsimiles):

- 1. Complete and print all forms in ink or ball point pen.
- 2. Enter the name and address of the sender at the top of the form.
- 3. Enter a complete return address on each article.
- 4. Ensure the articles are properly packaged.
- 5. In the appropriate column, enter the applicable postage and fees.
- 6. Insert a firm-specific identifier or account number if desired. (This number is for the sender's use only, and the Postal Service will not use it for identification.)
- 7. When describing and listing three or more individual pieces but not presenting the pieces in the order shown on the sheet, consecutively number each entry line on the sheet and number each piece to show both the corresponding sheet and line number.
- 8. Enter the total number of articles in the proper space at the top of the form.
- 9. Obliterate all unused portions of the "Address" column by drawing a diagonal line through the unused portion on the form.
- 10. When the number of articles presented exceeds the allotted space on the form, use multiple sheets, and in the provided blank spaces in the lower left of the form, number them consecutively to show sheet number and total number of sheets (such as "Page 1 of 4," "Page 2 of 4," etc.).

- 11. Present PS Form 3665 and the mailing as follows:
 - When the mailing has fewer than 50 mailpieces and less than 50 pounds, present the form and mailing at a retail Post Office™ location.
 - When the mailing has at least 50 mailpieces or at least 50 pounds, present the form and mailing at a business mail entry unit (BMEU) or USPS-authorized detached mail unit (DMU).

Privately Printed Forms: The Postal Service allows mailers to use USPS-approved privately printed or computer-generated firm sheets that are nearly identical in design elements and color to the USPS-provided PS Form 3665. See DMM 503 for details on the approval process.

The mailer must retain the original written approval granted by the Postal Service as evidence that the privately printed facsimile of PS Form 3665 has been approved by the Postal Service. The Postal Service does not retain records on the facsimile approvals. A mailer using privately prepared forms must periodically verify them against the USPS-provided version and, if necessary, make routine updates and obtain approval of the updated facsimile form.

A mailer using an approved privately printed form and wanting the form sheets postmarked by the Postal Service must present the forms with the articles to be mailed at a Post Office facility. The forms become the mailer's only receipt (the Postal service does not retain a copy).