

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

KEMPER MORTGAGE, INC.,

Plaintiff,

:

Case No. 3:06-cv-0042

-vs-

Magistrate Judge Michael R. Merz

:

JEFFREY RUSSELL,

Defendant.

**DECISION AND ORDER CONDITIONALLY GRANTING MOTIONS FOR WRITS OF
GARNISHMENT**

This case is before the Court on Plaintiff's Motions for Writs of Garnishment on property other than personal earnings of Defendant Jeffrey Russell (Doc. Nos. 94, 95, and 96).

The Court finds that it has continuing jurisdiction to issue such writs under the authority reserved in the Consent Order, Decree and Judgment Entry in this case (Doc. No. 87). Furthermore, Fed. R. Civ. P. 64 authorizes federal courts to employ remedies for the satisfaction of judgments.

However, Ohio Rev. Code § 2716.12 requires that the affidavit required in these proceedings must be accompanied by a fee of one dollar as the garnishee's fee. So far as the docket shows, the Plaintiff/Judgment Debtor has not tendered the garnishee's fee to the Clerk.

Accordingly, the Motions for Writs of Garnishment are granted, conditioned upon the Plaintiff's tendering the required fee. When that has been done, the Clerk will comply with the Praecipe.

December 28, 2009.

s/ **Michael R. Merz**
United States Magistrate Judge