

EVICTION PROCEDURE

The Clerk and/or Deputy Clerks are not attorneys and cannot give you legal advice. If you are unsure of your rights or court procedures, you should contact an attorney.

A Complaint in Forcible Entry and Detainer, also known as an Eviction, is a complaint filed by a landlord asking the court to remove a tenant from rental property. Typically an eviction is filed due to a tenant's failure to pay rent or for a violation of rental agreement.

The filing fee for a Forcible Entry and Detainer action is \$118.00 for the First Cause and includes personal service plus mileage at the current IRS rate/mile, an extra \$20.00 for each Defendant after the first one and an addition \$15.00 for the Second Cause (if applicable). Pursuant to this Court's Rule 20, a Complaint in Forcible Entry and Detainer shall state the reason for such eviction and shall be accompanied by the following exhibits when filed with the Clerk of Courts:

(A) A copy of the Notice (3-Day Notice to Leave) required by §1923.04 and/or 5131.06 of the Revised Code;

(B) The Land Installment Contract, lease, written instrument or other contract, upon which said action is based;

The Clerk shall refuse to accept for filing any Complaint that does not comply with this Rule, and any Judge to whom the Complaint is assigned may summarily dismiss, without prejudice, a Complaint filed in violation of this Rule.

Once the Defendant has been served the Forcible Entry and Detainer, it shall be set for trial. At the trial is when any evidence or testimony shall be presented to the court. If there are any witnesses, a written statement will NOT be accepted, so you will need to make arrangements to have your witness present at trial (a subpoena may be used to compel a witness to appear if necessary).

After trial, the Judge will usually indicate if the landlord is entitled to a "Writ of Restitution" once applied for (hereinafter "writ"). A "Writ" gives the landlord the authority to retake possession of the rental unit. If the tenant is ordered to vacate the premises and does not vacate voluntarily, the landlord will have the right to file for the "Writ". Once the "Writ" is filed and the filing fee paid, the clerk's office will issue it to the Bailiff for service.