

WASHINGTON CH MUNICIPAL COURT

EVICTION PROCEDURES

A legal “Notice to Leave the Premises” must be served. Attached to this sample packet you will find a sample three (3) day notice. Please be advised that a three (3) day notice for non-payment of rent is **not** always the same type of notice used for other breaches of the lease or to terminate a lease/rental agreement. If the reason for the eviction is for something other than rent, you are required to serve a different type of notice. If you are unsure as to what type of “Notice to Leave the Premises” to serve, please consult an attorney, as we cannot practice law.

Service of a notice can be made by doing the following:

- a. Personally serve Tenant by hand;
- b. Put notice under door of residence;
- c. Post notice on door of residence;
- d. Send notice by certified mail;
- e. Consult Court Bailiff about service (740-636-2352)

After the notice period has expired, file Forcible Entry and Detainer Complaint with the Court. You will need to file:

- a. Original eviction complaint for the Court along with Notice to Leave the Premises
- b. 2 copies of the eviction and Notice to Leave the Premises for **each** Defendant
- c. 1 copy of the above if you want a file stamped copy back
- d. If you have exhibits, that information should be included in the eviction Complaint and marked Exhibit “A”, Exhibit “B”, etc. Copies are the same as listed above in “a” and “b”
- e. Filing fees: For one Defendant, \$170.00. For each additional Defendant, add \$15.00. This amount includes a \$30.00 deposit for Bailiff service.

Once the eviction has been filed, a court date will be set. The Bailiff will be given the eviction to personally serve or post on the door. The Court will also send the eviction to the Defendant (s) by certificate of mail and an assignment notice with the Court date will be sent to the Plaintiff (if not represented by an attorney) by regular mail.

At the hearing, only the “First Cause of Action” will be heard. If there is a “Second Cause of Action” (back rent, damages, etc.), it will only be set for hearing after a Motion for Default is filed with the Court. This must be at least 28 days after service and must be

accompanied by a military affidavit and an itemized affidavit swearing to amount due. The fee to file the Motion is \$5.00.

Plaintiff will be responsible for the preparation of the Entry for the Judge to sign granting restitution of the premises. This entry should include whether or not the Defendant(s) were present in Court. This entry may be presented to the Judge at the hearing on the "First Cause of Action".

If Defendant(s) should fail to vacate premises once restitution has been granted, a Precipe for Writ of Restitution and Notice of Eviction will need to be filed along with a \$150.00 fee. This process will allow the Bailiff to serve Defendant(s) Notice that their belongings will be set out. The Court may provide a sample of the Precipe and Notice of Eviction if requested.

DUE TO THE OHIO SUPREME COURT RULING IN CASE Cleveland Bar Assoc. v Picklo, 96 OHIO St. 3d. 195, DECIDED ON AUGUST 21, 2002, NO ONE, OTHER THAN AN INDIVIDUAL PROPERTY OWNER OR ATTORNEY MAY FILE A COMPLAINT OR CONDUCT A CASE FOR AN EVICTION. THUS, A CORPORATION OR LIMITED LIABILITY COMPANY MUST HAVE A LICENSED OHIO ATTORNEY IN AN EVICTION ACTION AT ANY STAGE OF THE PROCEEDING.