

EVICTON FILING CHECKLIST

- ___ Original *Eviction Complaint* for the Court.
- ___ One copy of the *Notice to Leave the Premises* for the Court.
- ___ Three copies of the *Eviction Complaint* for each defendant.
- ___ Three copies of the *Notice to Leave the Premises* for each defendant.
- ___ Three copies of any exhibits attached to the Complaint, for each defendant.
- ___ One copy of the above for your records.
- ___ One copy of Deed for property showing ownership.
- ___ One copy of Auditor's property card dated within 30 days of filing, showing ownership.
- ___ Filing fees: Check with the Clerk for current fees.

The Clerk will not make copies for you.

Bring your copy of all paperwork to the hearing. Be prepared to present your case and prove proper service of the 3-day Notice.

I acknowledge that I have received and read the Eviction Filing Process packet. I understand that I am responsible for prosecuting my own case and am not relying on any advice or statements made by employees of the Court. I understand that if I have questions about the court procedures and requirements, I should consult an attorney.

Plaintiff

CHILlicoTHE MUNICIPAL COURT
95 EAST MAIN STREET
CHILlicoTHE, OHIO 45601
740-773-3515

PLEASE NOTE:

COURT EMPLOYEES ARE NOT PERMITTED TO GIVE YOU LEGAL ADVICE.

If you have any additional concerns or questions, you should consult an attorney.

THE EVICTION FILING PROCESS

Only the actual property owner as stated on the deed may sign and file an *Eviction Complaint* without an attorney. All other *Eviction Complaints* must be signed and filed by an attorney on behalf of the owner or property management company. Corporations, Limited Liability Companies (LLCs), Trusts, Estates and Fiduciaries must be represented by an attorney at all stages of the eviction process, including filing the complaint seeking eviction and appearing in Court. A person is not permitted to use a power of attorney to represent another person in Court. If you have questions about whether you can legally file and pursue an eviction action, you should consult with an attorney. See attached rule on proof of ownership.

A legal “**Notice to Leave the Premises**” (3-day notice) must be served upon your tenant(s) at least 3 court days before you file your complaint. Attached to this packet you will find a sample 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 may need to serve different types of notices. If you are unsure as to what type of notice to serve, please consult an attorney.

Service of a notice can be made by doing the following [ORC 1923.04(A)]:

- a. Deliver a signed copy of the notice to the tenant in person;
- b. Post a signed copy of the notice on the door of the residence of tenant;
- c. Send a signed copy of the notice by certified mail, return receipt (showing renter’s signature) required.

At the trial, you will be required to prove how and when the tenant received the notice.

After the notice period (**3 court days**) has expired, an *Eviction Complaint* may be filed with the Court. A sample complaint is attached. If you wish to file for back rent/money damages, you must provide your own forms. Consult with an attorney for advice.

TO FILE THE EVICTION CASE, YOU WILL NEED:

- a. The original *Eviction Complaint* for the Court along with Notice to Leave the Premises.
- b. Three copies of the *Eviction Complaint* and Notice to Leave the Premises for each defendant.

- c. One copy of the **Eviction Complaint** and 3-day notice for your records. **Bring all paperwork to the hearing. Be prepared to present your case and prove proper service of the 3-day Notice.**
- d. If you have exhibits, they should be attached to the *Eviction Complaint* and marked Plaintiff Exhibit “A”, Plaintiff Exhibit “B”, etc. You will need the same number of copies as you need for the Complaint.
- e. Filing fees are due at the time of filing. Check with the clerk for current fees.
- f. All information in the caption and the body of the *Eviction Complaint* must be accurate and complete. Make sure you:
 - Spell the name of the defendant(s)/tenant(s) correctly;
 - Include a complete address for the property from which the tenant(s) are being evicted and a complete address for the location where the tenant(s) will be served. A complete address must include the number, street name (including whether it is a street, avenue, boulevard, etc., whether it includes a north, south, east or west designation), any apartment or unit number or letter, or post office box, and an accurate zip code.

Once the *Eviction Complaint* has been filed, a court date will be set. The Bailiff will be given the *Eviction Complaint* to personally serve or post on the door. The Court will also send the *Eviction Complaint* to the defendant(s) by certified mail and ordinary mail.

At the hearing, only the possession claim will be heard. If there is a “Second Cause of Action” (back rent, damages, etc.), it will only be set for hearing after an Answer is filed or a Motion for Default Judgment is filed with the Court. A Military Affidavit is required to be filed before a Default Judgment may be granted.

If the tenant(s) should fail to vacate the premises once the eviction has been granted, a “Precipe for Writ of Restitution” (a court order that the bailiff is to cause the eviction of the tenant(s) by removing the tenant(s) and their personal belongings from the property) will need to be filed along with the appropriate fee. The clerk can provide this form.

NOTICE

EVICITION COMPLAINTS

Effective immediately, all EVICTION COMPLAINTS filed by NON-ATTORNEYS must be accompanied by a copy of the CURRENT DEED and the CURRENT ROSS COUNTY AUDITOR'S PROPERTY RECORD CARD. (Local Rule 19(A). The property record card may be obtained free of charge at the Auditor's web site: www.co.ross.oh.us/auditor, or at the Auditor's office located in the Ross County Court House, corner of Paint and Main Streets, Chillicothe, Ohio.

*CORPORATIONS, LIMITED LIABILITY COMPANIES (LLC), and FIDUCIARIES (EXECUTORS, TRUSTEES, GUARDIANS, POWER OF ATTORNEYS) must file complaints in the Civil Division through an attorney licensed to practice law in Ohio.

NOTICE TO LEAVE PREMISES

TO

I wish you to LEAVE the following described premises, now in your occupation, situated in the City/Village _____, County of Ross, State of Ohio, and known as

(address)

(city, state, zip)

together with the LOT OF LAND on which said _____ is situated.

“YOU ARE BEING ASKED TO LEAVE THE PREMISES, IF YOU DO NOT LEAVE, AN EVICTION ACTION MAY BE INITIATED AGAINST YOU. IF YOU ARE IN DOUBT REGARDING YOUR LEGAL RIGHTS AND OBLIGATIONS AS A TENANT IT IS RECOMMENDED THAT YOU SEEK LEGAL ASSISTANCE.”

Your compliance with this Notice within THREE DAYS after its service will prevent any legal measure being taken by the undersigned to secure possession.

Yours Respectfully,

_____/_____/_____
Month Day Year

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TO

I wish you to LEAVE the following described premises, now in your occupation, situated in the City/Village _____, County of Ross, State of Ohio, and known as

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Yours Respectfully,

_____/_____/_____
Month Day Year

IN THE MUNICIPAL COURT
CHILLICOTHE, OHIO

Landlord's Name)

Landlord's Address)

Plaintiff,)

vs.

CASE NO: _____

**COMPLAINT IN FORCIBLE
ENTRY AND DETAINER**
(Possession Only)

Tenant's Name)

Tenant's Address)

Defendant.)

CLAIM FOR RELIEF

1. Plaintiff is the owner of premises located at _____
(address of premises tenant is to be evicted from)

Evidence of ownership, such as the deed and current property card from the Ross County Auditor, is attached or will be presented at trial.

2. On or about _____, Plaintiff and Defendant entered into an oral/written lease agreement for the
(date)
property located at _____
(address of rental property)

(A copy of the written agreement is attached as Exhibit A.)

3. Defendant is in default of his/her lease/rental agreement because _____

(describe default, e.g. has not paid rent since (date?))

4. On _____, Plaintiff served Defendant with a 3-day notice to leave the premises pursuant to
(date)
RC 1923.04. A copy of that notice is attached as Exhibit B.

5. Defendant has, since _____, unlawfully and forcibly detained from the Plaintiff
(date notice expired)
possession of the above-described premises.

WHEREFORE, Plaintiff prays for restitution of the premises, and the costs of this action.

Plaintiff/Attorney for Plaintiff

Address

Telephone