

ASHTABULA MUNICIPAL COURT
CIVIL DIVISION
110 WEST 44th STREET
ASHTABULA, OH 44004
(440) 992-7149

THE EVICTION PROCESS

(Forcible Entry and Detainer)

Only the deeded property owner can 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 (LLC's) and Trusts must be represented by an attorney. For questions about legal filing and pursuing an eviction action, consult with an attorney.

When filing the action, file an original **Eviction Complaint** with a copy of the **Notice to Leave the Premises**. In Ohio, the Notice to Leave the Premises for residential property MUST contain the following language boldly and conspicuously:

You are being asked to leave the premises. If you do not leave, an eviction 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.

You can obtain these two forms at a legal supply store, law library or online at www.ashtabulamunicourt.com under the Civil link. It is the filing party's responsibility to make sure the forms used comply with the requirements of Ohio law.

TO FILE THE EVICTION CASE, YOU WILL NEED:

- Copy of the **Notice to Leave the Premises** previously served on the defendant(s)/tenant(s); please note that a month-to-month tenancy agreement requires a 30 day written notice to leave before filing the complaint. If a rental agreement tenancy is established, a 3-day Notice to Leave Premises is required before filing the complaint.
- Original **Eviction Complaint** filled out clearly and legibly with mailing addresses and Plaintiff's phone number.
- Accurate and complete information in the caption and the body of the Eviction Complaint. Make sure you:
 - Spell the name of the defendant(s)/tenant(s) correctly;
 - Include complete addresses for the property and location where the defendant(s)/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, west designation), any apartment or unit number or letter, and an accurate zip code.
 - Plaintiff's phone number
 - Plaintiff must sign at the bottom or the suit cannot be filed and will be returned.
- Two additional copies of the Eviction Complaint and all attachments for each defendant/tenant that you are evicting;
- \$160 filing fee (for one defendant); \$10 each additional defendant over the age of 18 (all other occupants or unknown occupants are considered 1 defendant);
- There is an additional \$10 fee if you are filing for the Second Claim (back rent, unpaid utilities, etc.).

WHAT CAN BE EXPECTED AFTER COMPLAINT IS FILED:

The trial on the eviction will be scheduled within 2-4 weeks. The hearing is generally heard by the Magistrate. His/her decision may give tenant an additional 10-14 days to leave the premises. **The Magistrate's Decision does not grant judgment.** A Judgment Entry must be submitted by the Plaintiff and granted by the Judge.

After the Judgment Entry is granted by the Judge:

1. A Praecipe for Writ of Restitution may be filed by Plaintiff with a filing fee of \$40;
2. Writ will be served by Bailiff according to Judgment Entry and based upon Bailiff's schedule;
3. Time and date of defendant(s) to vacate premises will be determined by Bailiff at his discretion;
4. It is Plaintiff's responsibility to notify court if defendant(s) fail to vacate premises;
5. A mutual time and date will then be decided when Bailiff will return to remove defendant(s) – persons only, not their belongings.

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. If you cannot afford an attorney, you can contact Legal Aid Society of Cleveland.

**The above information is subject to change at court's discretion at any time without notice.