

EVICTION PACKETS

Packet Fee: \$2.00

\$160.00 FILING FEE FOR ACTUAL EVICTION

Contents include all papers needed to process an eviction

**For Legal Advice/Assistance
Please contact your Attorney or
Legal aid at 1-888-534-1432
OR WWW.LEGALAIDLINE.ORG**

**PLEASE READ THE HOUSING COURT
INSTRUCTIONS CAREFULLY**

EVICTON PACKET GUIDELINES & INFORMATION

****Important Housing Court Instructions****

- [1] Read all Instructions thoroughly
- [2] When filing out the complaint, refer to the example forms. Neatly print or type all forms.
- [3] Have the complaint completely filled out when you come in to file your eviction, along with two copies for each Defendant.
- [4] When filing have the \$160.00 filing fee with you. The court only accepts cash, money order or check.
- [5] The Housing Court Magistrate and the Court's Deputy Clerk may not assist you in filling out the eviction complaint.
- [6] If you are unable to fill out the forms yourself, you should contact an attorney.
- [7] **Only the titled property owner can file an eviction.**
- [8] **If the property is title in a LLC, Trusteeship, Ltd., ect. an attorney must file the complaint and represent you in court.**

O.R.C. 4705.01 "No sheriff shall practice as an attorney at law in any court of this state, and no clerk of the supreme court or court of common pleas, or the deputy of either, shall practice in the particular court of which that person is clerk or deputy."

HOUSING COURT RULES

The following rules have been promulgated for the Housing Court Division of the Sandusky Municipal Court. Cases to be heard by the Housing Magistrate shall include, non-jury forcible entry and detainer actions, related claims for back rent and damages, rent escrow cases, and housing code violation cases.

LANDLORD / TENANT ACTIONS. Eviction actions, legally known for forcible entry and detainer (FED) actions may be filed by plaintiffs without the service of an attorney.

INDIVIDUALS MAY ONLY REPRESENT THEMSELVES, they may not represent corporations, partnerships, LLC or other individuals. Private individuals desiring to file FED actions shall obtain court approved forms and completed sample forms from the Code Compliance Office. Copies of the forms may be used for subsequent FED actions.

Complaints and all other pleadings shall be typed or printed. Pleadings which are not typed or printed will not be filed. Individual landlords filing evictions for property in Bayview, Perkins Township, and the Village of Castalia shall be required to pay the filing fee, plus a surcharge equal to ten percent (10%) of the filing fee.

Normally, hearing dates should be set within 20 days from the date of filing of the complaint. **Eviction hearings will be set on Tuesdays, Wednesdays and Thursdays at 10:00 a.m.** At the time of the eviction hearing, the plaintiff and the plaintiff's attorney (if any) shall be present or the case may be dismissed. No continuances of longer than 7 days will be granted and continuances will only be granted in accordance with Section 1923.08 of the Ohio Revised Code.

If the defendant fails to appear at the hearing for possession (FED hearing), no default judgment on the cause of action shall be ordered unless testimony is taken from the plaintiff regarding the proper form and service of the 3-day notice on the defendants as well as the reason why possession of the property is being sought.

If the defendants/tenants do not vacate the premises on the day that the writ can be issued you can apply for a praecipe for writ of restitution. The court has these forms available and a \$20.00 filing fee is required at the time of filing. In cases where a writ of restitution is issued, the bailiff will serve the defendant with the writ. Once the writ is served, the landlord may take possession of the property back after seventy two hours. Before entering the premises or changing the locks a certified copy of the writ is needed and can be obtain in the clerk's office.

If a second cause of action has been filed alleging money damages and/or past due rent, after the issue of possession has been determined, the case will be continued for the defendant to answer within 28 days of the filing of the complaint.

In cases where the defendant files an answer, the case will be set for a hearing. If the defendant fails to appear or otherwise defend, default judgment may be entered.

In any hearing before the Housing Court Magistrate, the Ohio Rules of Civil procedures apply. After the hearing, the Magistrate shall prepare a Magistrate's Decision, which may immediately be approved, disapproved, or modified by the judge.

IMPORTANT INFORMATION ON DAMAGE CLAIMS

Questions have arisen concerning the information required in the Second Cause of Action of eviction complaints. The Second Cause of Action is the request for damages arising from the tenancy. The First Cause of Action is the request to obtain possession of the property back. The First Cause of action will generally be scheduled within twenty days after the complaint is filed. The Second Cause of Action will be scheduled after the First Cause of Action has occurred and will take place approximately sixty to ninety days after the complaint has been filed.

When filling out the Second Cause of Action, an amount that is owed is requested. That amount should reflect the total amount which is owed at that time, including all rent, utilities and reimbursement for known property damages. It is understood that damages may exist in the rental property which cannot be determined until after the tenant vacates the property. One may attempt to recover these additional damages if the proper language is added to the complaint. If additional damages are anticipated, the following language should be added to your complaint, "Plaintiff further requests compensation for any additional damages which are found accrue after the tenants vacate."

NOTICE TO LEAVE PREMISES
(FOR RESIDENTIAL PROPERTY ONLY)

To: _____ Tenant(s)

You are hereby notified that I/we want you out on or before _____ 20__

To leave the premises you now occupy, and which you have rented of me/us, situated and described as follows:

(Eviction Address) In the City of _____ or Township of _____
County of Erie and State of Ohio.

Grounds (State the reason for eviction):

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.

Date of Notice Served

Landlord

Address

City, State, Zip Code

Phone Number

In the Municipal Court of Sandusky, Erie County, Ohio
Civil Division

_____)
_____)
_____)
Plaintiff (Landlord)
Vs. _____)
_____)
_____)
_____)
Defendant (Tenant) _____)

Case No. _____
COMPLAINT IN FORCIBLE ENTRY
AND DETAINER FOR PAST DUE
RENT AND OTHER MONEY DAMAGES

First Claim for Relief (Eviction)

1. Plaintiff is the owner of the premises located at _____, Erie County, Ohio.
2. Defendant is a tenant at the premises located at _____.
3. Defendant is in default of his/her lease or rental agreement because _____.
4. On _____ plaintiff served defendant with a 3-day notice to leave the premises pursuant to RC 1923.04. *(A copy of this notice must be filed with the complaint along with the lease).*
5. Since _____, defendant has unlawfully and forcible detained from the plaintiff possession of the above described premises.

Second Claim for Relief (Monetary Damages)

Plaintiff's second cause of action states that the defendant owes the plaintiff money for rent and / or damages in an amount to be determined by the Court. The rental rate is \$ _____ per month with \$ _____ currently past due.

WHEREFORE, with respect to the first claim for relief, the plaintiff prays for restitution of property; with respect to the second claim for relief, the plaintiff requests a judgment for monetary damages to be determined at trial plus interest and court costs as allowed by statute.

Respectfully submitted,

Date: _____

Phone number: _____

Plaintiff

Plaintiff(s)

In the Municipal Court of Sandusky, Erie County, Ohio
Civil Division

Paul Plaintiff _____)

100 Main Street _____)

City, State Zip Code _____)
Plaintiff (Landlord)

Vs. _____)

Dan and Donna Defendant (Tenants) _____)

111 Rental Place, Apt. X _____)

City, State Zip Code _____)
Defendant (Tenant)

Case No. _____

COMPLAINT IN FORCIBLE ENTRY
AND DETAINER FOR PAST DUE
RENT AND OTHER MONEY DAMAGES

First Claim for Relief (Eviction)

1. Plaintiff is the owner of the premises located at **111 Rental Place** _____, **City,** _____, Erie County, Ohio.
2. Defendant is a tenant at the premises located at **111 Rental Place, Apt X** _____.
3. Defendant is in default of his/her lease or rental agreement because **non payment of rental, end of lease, criminal activity, etc.** _____
4. On **00/00/2022** plaintiff served defendant with a 3-day notice to leave the premises pursuant to RC 1923.04. *(A copy of this notice must be filed with the complaint along with the lease).*
5. Since **00/03/2022**, defendant has unlawfully and forcible detained from the plaintiff possession of the above described premises.

Second Claim for Relief (Monetary Damages)

Plaintiff's second cause of action states that the defendant owes the plaintiff money for rent and / or damages in an amount to be determined by the Court. The rental rate is **\$000.00** per month with **\$000.00** currently past due.

WHEREFORE, with respect to the first claim for relief, the plaintiff prays for restitution of property; with respect to the second claim for relief, the plaintiff requests a judgment for monetary damages to be determined at trial plus interest and court costs as allowed by statute.

Respectfully submitted,

Date: **00/00/2022**

Phone number: **(419) 000-0000** _____

Signature of Owner/landlord _____
Plaintiff

Co-owner/landlord Signature _____
Plaintiff(s)