

**JACKSON COUNTY MUNICIPAL COURT CLERK
CIVIL DIVISION
295 BROADWAY STREET, SUITE 101
JACKSON, OHIO 45640**

THE EVICTION FILING PROCESS

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 (LLCs), and Trusts 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. For questions about legally 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*¹ that has been served on the defendant(s)/tenant(s) attached. You can obtain these two forms at a legal supply store, law library or online. It is the filing party's responsibility to make sure the forms used comply with the requirements of Ohio law, including R.C. 1923.04 and 1923.05.

TO FILE THE EVICTION CASE, YOU WILL NEED:

- Copy of the *Notice to Leave the Premises* previously served on the defendant(s)/tenants(s)
- Original *Eviction Complaint* filled out clearly and legibly.
- 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; and
 - ▶ Include complete addresses for the property and the 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 or west designation), any apartment or unit number or letter, and an accurate zip code.
- Two additional copies of the *Eviction Complaint* and all attachments for each defendant/tenant that you are evicting.
- \$135.00 filing fee, plus a deposit of \$150.00 for a total of \$285.00
- **The deposit fee will be applied for service costs and mileage throughout the case, and paid to the Sheriff's Office upon receipt of invoice from Sheriff.** Certified mail service will be applied at the rate of \$12.00 per defendant after the first defendant. Certified Mail service for the first defendant is included in the initial filing fee. **Any remaining deposit will be returned to depositor 30 days after the conclusion of the case.**

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.

¹ In Ohio, the *Notice to Leave the Premises* for residential property must contain the following paragraph boldly and conspicuously:

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.

REQUESTING TENANT TO LEAVE PREMISES
(Three-day Notice)
Ohio R.C. 1923.04

Date: _____

Tenant's Name

Tenant's Street Address

Tenant's City / State / Zip

Dear _____
(Tenant's Name)

The purpose of this letter is to ask you to LEAVE the premises now in your possession, situated in

_____; Ohio, and known as:
(city, county)

(full address and suite number of rental)

You are being asked to LEAVE for the following reason: (state reasons for eviction)

Leave the premises before _____ to prevent any further eviction action against you.

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.

Yours respectfully,

Landlord (signature)

Print Name of Landlord

Address

City, State, Zip Code

Telephone Number

A copy of this Notice has been delivered:

- ☐ Personally to the occupants named above; or
- ☐ By posting on the occupants premises.

**REQUESTING TENANT TO LEAVE PREMISES
(Three-day Notice)
Ohio R.C. 1923.04**

Date: _____

Tenant's Name

Tenant's Street Address

Tenant's City / State / Zip

Dear _____,
(Tenant's Name)

The purpose of this letter is to ask you to LEAVE the premises now in your possession, situated in
_____; Ohio, and known as:
(city, county)

(full address and suite number of rental)

You are being asked to LEAVE for the following reason: (state reasons for eviction)

Leave the premises before _____ to prevent any further eviction action against you.

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.

Yours respectfully,

Landlord (signature)

Print Name of Landlord

Address

City, State, Zip Code

Telephone Number

A copy of this Notice has been delivered:

- ☐ Personally to the occupants named above; or
- ☐ By posting on the occupants premises.

IN THE MUNICIPAL COURT OF JACKSON COUNTY, OHIO

CASE NO. _____

(NAME)

(Address)

(Address)

and

(NAME)

(Address)

(Address)

**COMPLAINT IN FORCIBLE ENTRY AND
DETAINER (EVICTION)**

and

☐ **CLAIM FOR MONEY DAMAGES**

(Check if applicable)

Plaintiff(s)

VS.

(NAME)

(Address)

(Address)

and

(NAME)

(Address)

(Address)

Defendant(s)

I. FIRST CAUSE OF ACTION FOR EVICTION

1. The premises that is the subject of this complaint is located at: _____

_____, Ohio _____
(Provide the COMPLETE address of the premises, including e.g. "Third Floor," "Front Unit," Apt. #. ")

2. The structure where the premises is located is a ☐ single, ☐ double/duplex, or ☐ multi-unit building.

3. The premises described in paragraph 1 is owned by: _____.

☐ **Exhibit:** Documentation of the ownership of the premises, e.g. printout from the Jackson County Treasurer/Auditor is attached.

4. Plaintiff files this action as ☐ owner of the premises, ☐ agent for owner of the premises, or ☐ other. (Check one)

5. The premises is used for the following purpose(s): ☐ Residential ☐ Commercial

6. Defendant occupies the premises pursuant to the following (*check one*):

- ☐ A written rental agreement with Plaintiff ☐ An oral rental agreement with Plaintiff
☐ A land installment contract with Plaintiff ☐ No agreement
☐ Other _____

☐ **Exhibit:** *A copy of the written lease or land contract is attached OR is not attached for the following reason:*

7. Plaintiff is terminating Defendant's right to possession for the following reason(s):

- ☐ Non-payment of rent
☐ Breach of Lease other than nonpayment (*specify*): _____

☐ Termination of month-to-month or other periodic tenancy or expiration of lease
☐ Violation of tenant duties under RC5321.05(*specify*): _____

☐ Non-color of title (no permission to occupy the premises)
☐ Other (*specify*): _____

8. Defendant's tenancy ☐ is ☐ is not subject to federal subsidy.

9. Plaintiff served on Defendant a notice to vacate ("3-day notice") as required by RC1923.04 on _____ (*date*), by the following method: _____

☐ **Exhibit:** *A copy of the notice is attached* (e.g. *by hand, under the door, posted on door*)

10. ☐ Plaintiff was not required to serve on Defendant any other notices.

or

☐ Plaintiff served on Defendant all other notices required by state or federal law, or the lease on _____ (*date*) ☐ **Exhibit:** *Copies of all other notices are attached.*

11. Defendant continues to occupy the premises.

II. SECOND CAUSE OF ACTION FOR MONEY DAMAGE (*complete if only seeking money judgment*)

12. Defendant has failed to pay rent at the rate of \$ _____ per month for the following months:

13. Defendant will continue to owe rent after the filing of this case as the same rate per month.

14. Defendant has failed to pay late charges of \$ _____ /month for the following months:

15. Defendant has failed to pay charges for utilities, or other charges that are not rent or late charges, and may fail to pay these charges as they come due, as follows:

\$ _____ for _____ through _____ (date) and ongoing.

\$ _____ for _____ through _____ (date) and ongoing.

16. Plaintiff is unable to determine the exact amount of property damage beyond normal wear and tear that Defendant has caused or may cause prior to moving from the premises. Plaintiff estimates that Defendant has caused or may cause \$ _____ in damages, which includes (check all that apply):

☐ Property damage

☐ The cost of movers to remove Defendant's personal property

☐ The cost to replace Plaintiff's belongings that Defendant removed from the premises

☐ Other (describe) _____

17. Defendant(s) paid Plaintiff a security deposit of \$ _____ which Plaintiff has retained.

PRAYER FOR RELIEF

1. Plaintiff requests an order granting restitution of the premises (eviction) and ordering Defendant to vacate; and

2. ☐ (check if applicable) Plaintiff requests a judgment against Defendant for money damages not to exceed the total of \$ _____ as of the date of filing, and \$ _____ per month, for each month after the filing of this action, for the ongoing liabilities indicated in paragraphs 12-15.

Signature of Plaintiff

Signature of Plaintiff

Warning: a non-attorney may NOT sign for another person OR for a business entity such as a corporation or LLC

*IN THE MUNICIPAL COURT
OF JACKSON COUNTY, OHIO*

Case No. _____

Plaintiff(s),

PRAECIPE

vs.

Defendant.

TO THE CLERK:

Please cause Summons with an attached copy of the Complaints in the above captioned case to be issued to the Defendant(s):

Select One:

- ☐ Certified Mail (Included in cost of filing fee for first defendant. \$12 additional for each defendant thereafter)
- ☐ Sheriff's Service (Invoice will be provided to court by the Sheriff's Office and paid to the Sheriff's Office by deducting from deposit on hand.)

Respectfully submitted,

Plaintiff