

**IN THE ASHTABULA COUNTY COURTS
WESTERN DIVISION – GENEVA, OHIO
FORCIBLE ENTRY AND DETAINER ACTIONS/EVICTIONS**

You are filing an action in Forcible Entry and Detainer where you are asking the Court to evict someone from a residential or business premises. All forms discussed below are included in this packet.

Only the deeded property owner or a person with Power of Attorney for the deeded property owner, *specific to real estate* can sign and file an **Eviction Complaint** without an attorney. A copy of the Power of Attorney **must be filed with each Complaint** and the clerk receiving the Complaint shall review it for specific real estate verbiage prior to accepting the Complaint for filing.

All other **Eviction Complaints** must be signed and filed by an attorney on behalf of the owner or property management company. Corporations and Limited Liability Companies (LLCs) must be represented by an attorney at all stages of the eviction process, including filing the complaint seeking eviction and appearing in Court. If you have questions about whether you can legally file and pursue an eviction action, you should consult with an attorney.

- I. The case begins with you filing an Eviction Complaint. The complaint form is provided in this packet for you and can also be found at our website, http://courts.co.ashtabula.oh.us/courts_forms.htm or at Western County Court.
 - A. Fee: **\$150** for Eviction only; + **\$10** for each additional Defendant you name over one. (We take cash, money orders or personal checks.)
 - B. You must provide the **original** complaint + **2 copies** for service **for each Defendant named**, (i.e., if you have 2 Defendants – husband & wife – you must provide the Court with an original complaint, and four copies, and your fee will be **\$160**). **You must also provide a copy of your Notice to Vacate along with each copy of the Complaint.**
 1. When computing the time elapsed from the date you serve the tenant with the Notice to Vacate until the date you may file your Complaint with the Court, it's important that you start counting your three days the day AFTER you serve the notice, (i.e., you deliver the Notice to Vacate to your tenant on Monday. The three days starts with Tuesday, then Wednesday, then Thursday is the 3rd day. You can file your complaint on Friday – the FOURTH day.
- II. It is necessary that you fill in the appropriate information on the complaint. The information that goes on that complaint will vary according to your specific case.
 - A. You are the Plaintiff/Landlord. Put your name, address, and phone number here.
 - B. The person(s) you are evicting is the Defendant/Tenant. Put their name and address here.
 - C. Count II of the complaint is only for money damages. (i.e., if you are seeking back rent, or utilities or reimbursement for damages to the property). If you fill in this part, remember that this is a regular Civil action and the Clerks will not be able to help you collect. You may want to file a Small Claims complaint instead.
- III. After you go before the Judge and have obtained your judgment, you can file a praecipe for a Writ of Restitution. There is a **\$65** fee to file this form, and it is included in this packet. It is also available at http://courts.co.ashtabula.oh.us/courts_forms.htm or at Western County Court. The Writ of Restitution is the Order to the Ashtabula County Sherriff's Office (ACSO) to cause the Defendants and their belongings to be physically removed from your property.

* Our clerks are here to help you process the paperwork in your case as quickly and easily as possible, however, **the Deputy Clerks are not lawyers and they are not permitted to give you any advice regarding the information which must be contained in your complaint.**

It is important that you remember that the law does not permit our clerks to give you any legal information or advice. If you have any legal questions concerning any matters in your eviction, you may want to contact your attorney.

CASE MANAGEMENT/COURT PROCEDURE:

1. Once you file your Eviction Complaint, your case will be set for a hearing before the Judge, and you will be sent a hearing notice. At that hearing, the Ohio Rules of Evidence and the applicable Ohio Rules of Civil Procedure will be applied.
2. If the Judge grants you restitution, should the tenant fail to vacate the premises or remove his belongings from the property, you will have to file a Writ of Restitution by paying the Clerk of Courts the fee (**\$65**) and filling out the Praecipe for a Writ of Restitution (included in packet).

3. Upon receipt of the Writ of Restitution, a representative of the ACSO shall contact the landlord or the landlord's attorney to set a specific date for the move-out of the tenant from the property. The ACSO shall supervise every move-out conducted through the Court.
4. In the event the tenant vacates the premises before the scheduled move out date, the landlord or his attorney shall immediately notify the Clerks' Office (**Ph: 440 466-1184**).
5. **The landlord must be present at the premises for the move-out.** It will then be the responsibility of the landlord to remove the tenant's possessions to the tree lawn or to storage as the landlord chooses.

Pursuant to Ohio Revised Code Sec. 1923.04

NOTICE TO LEAVE PREMISES

To _____

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

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

STATE REASON FOR EVICTION: _____

Your compliance with this Notice within _____ days after its service will prevent any legal measures being taken by the undersigned to obtain possession.

**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 ASSISTANCE.**

Yours respectfully,

Dated this _____ day of _____, 20__ A.D.

**IN THE ASHTABULA COUNTY COURTS
WESTERN DIVISION – GENEVA, OHIO**

Names(s) _____)
_____)
Address _____)
_____)
Phone _____)
_____)
Plaintiff(s)/Landlord(s) _____)

CASE # _____

-VS-

Names(s) _____)
_____)
_____)
Address _____)
_____)
Phone _____)
_____)
Defendant(s)/Tenant(s) _____)

COMPLAINT
In Forcible Entry and Detainer
(Eviction)

1st Cause of Action. For Eviction only:

Plaintiff states that the defendant(s) ha____, ever since the *(enter the date tenant violated the lease agreement or failed to pay rent)* _____ day of _____, 20____, unlawfully and forcibly detained, and do still remain on or in and have failed to vacate the following property located in the County of Ashtabula, and State of Ohio: Street _____ Apt # _____
City/Township/Village _____ .

On the _____ day of _____, 20____, plaintiff served upon the defendant(s) as required by law, notice in writing to leave said premises. Plaintiff asks the Defendant(s) to vacate the property by order of the Court.

2nd Cause of Action. For damage (Rent, late charges, property damage, etc.):

X _____
PLAINTIFF

Date: _____

**IN THE ASHTABULA COUNTY COURTS
WESTERN DIVISION – GENEVA, OHIO**

CASE NO. _____

Plaintiff(s)

vs.

Defendant(s)

* * * * *

To the Clerk:

Please issue a Writ of Restitution to the Ashtabula County Sheriff's Office to enforce
restitution and a move-out for the premises located at:

Street Address with Apt. Number

City, State and Zip Code

Contact Person's Name:

Phone Number

x _____
Signature Landlord/Attorney

Date: _____