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.

1. The case begins with you filing a complaint. The complaint form is provided in this packet for you and can also be found at our website, **www.pmcourt.com** or at the Clerk's Office.
   A. Fee: $125.00 + $10.00 for each additional Defendant you name over one.
   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 $135.00). You must also provide a copy of your Notice to Vacate when you file the Complaint.

2. 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.

3. Once you go to Court and have obtained your judgment, you can file a praecipe for a Writ of Restitution. There is a $30 fee to file this form, and it is included in this packet. It is also available at **www.pmcourt.com** or at the Clerk's Office. The Writ of Restitution is a document in which you ask the Court to have the Defendants and their belongings physically removed from the premises.

* Our clerks are here to help you process the paperwork in your case as quickly and easily as possible.
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.   Lake County Lawyer Referral Service: 440 352-6044

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 ($30) 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 Bailiff's Office 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 Bailiff's Office 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 Bailiff's Office (Ph: 440 392-5873).
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 Lake, 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 PAINESVILLE MUNICIPAL COURT

7 Richmond St., P.O. Box 601
Painesville, OH 44077
PH: 440 392-5900
Internet: www.pmcourt.com

MICHAEL A. CICCONETTI, JUDGE   **NICHOLAS CINDRIC, CLERK OF COURT**

Names(s)
_____   )
_____   )
Address   )
_____   )
_____   )   **CASE # CVG** _____
Phone   )
_____   )
                    Plaintiff(s)/Landlord(s)   )
)
                         -VS-   )
Names(s)   )
_____   )
_____   )
_____   )   **COMPLAINT**
Address   )   **In Forcible Entry and Detainer**
_____   )   (Eviction)
_____   )
 Phone   )
_____   )
                    Defendant(s)/Tenant(s)   )

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 Lake, 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: _____

Eviction Complaint 9/16/08;jem

IN THE PAINESVILLE MUNICIPAL COURT
PRAECIPE FOR WRIT OF RESTITUTION

CASE NO. CVG _____

_____

_____

 Plaintiff(s)

　　　　　vs.

_____

_____

 Defendant(s)

* * * * * * * * * * * * * * *

To the Clerk:

　　　　　Please issue a Writ of Restitution to Bailiff 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

Praecipe Writ-W 8/18/08 JEM