

THE EVICTION FILING PROCESS (COURT EMPLOYEES ARE NOT PERMITTED TO GIVE LEGAL ADVICE)

Only the deeded property owner can sign and file a Complaint in Forcible Entry and Detainer without an attorney. All other 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.¹ A person is not permitted to use a power of attorney to represent another person in Court. If you have questions about whether you can legally file and pursue an eviction action, you should consult with an attorney.

When you file the Complaint you must attach a copy of the *Notice to Leave the Premises* that you served on the defendant(s)/tenant(s). It is your responsibility to make sure the form you use comply with the requirements of Ohio law, including R.C. 1923.04 and 1923.05.² A copy of the correct form may be found on the Court's website. The Judge will dismiss your case, if you use the wrong form.

TO FILE THE EVICTION CASE, YOU WILL NEED

1. A copy of the *Notice to Leave the Premises* that you already served.
2. Your original Complaint filled out clearly and legibly.
3. Accurate and complete information in the caption and the body of the Complaint making 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 includes the number, street, avenue, boulevard, etc., name and whether it includes a north, south, east or west designation, any apartment or unit number or letter, and an accurate zip code.
4. Two additional copies of the Complaint and all attachments for each defendant/tenant that you are evicting.
5. The full filing fee as stated on the Court's current cost schedule.

The hearing on the eviction will be scheduled from 14-21 days from the date of filing the Complaint. If you file a Complaint with a *Second Claim for Monetary Damages*, please note that judgment for monetary damages will not be granted at the eviction hearing. The Judge will either schedule a damages hearing for a later date, or the Judge will grant you up to six months to obtain service of process on the *Second Claim* and file a motion for default judgment.³

If you have any additional concerns or questions, you should consult an attorney.

¹ Exception: A single member LLC, or an LLC in which only spouses are members, may file a complaint without an attorney.

² 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.**

³ Complaints with a *Second Claim for Monetary Damages* must be served on the defendant(s)/tenant(s) by certified mail or, if certified mail service is unclaimed, by ordinary mail.