VAN WERT MUNICIPAL COURT – FORCIBLE ENTRY & DETENTION (EVICTION)

1. **COURT EMPLOYEES ARE NOT ATTORNEYS AND CANNOT GIVE YOU LEGAL ADVICE**.

   If you could benefit from legal advice, you must contact an attorney.

2. To file an Eviction, there is a $175.00 filing fee.
3. The Owner of the property is the Plaintiff. If the Owner is a corporation, trust, or LLC, then the Plaintiff must file with an attorney.
4. A copy of the Deed must be presented at the time of the hearing or attached to the Complaint.
5. The Notice to Leave Premises and Rental Agreement (if there is one) must be attached to the Complaint when filed.
6. Parties may subpoena witnesses at an additional $6.00 subpoena cost. Parties may bring additional witnesses and exhibits to the hearing.
7. The Eviction Hearing will be in about 20 days of the filing date. The Back Rent & Damages Hearing will be scheduled at the Eviction Hearing.
8. If the Tenant vacates the property before the Eviction Hearing, you must inform the Court and additional paperwork is required for a dismissal.

FORCIBLE ENTRY AND DETAINER FILING CHECK LIST

3 copies of all documents are needed

First Claim for Relief (Eviction)

- Complaint in Forcible Entry and Detainer for Past-due Rent, and Other Money Damages. If the property owner is a business, trust, or LLC, an attorney must file the Complaint
- Executed 30 Day and Three Day Notices or Three-day Notice to Leave Premises. If service is not done correctly, case may be dismissed. If unsure how to serve a Notice, you may need to contact an attorney.
- Copy of Property Deed
- Copy of Power of Attorney (if applicable)
- Copy of lease/rental agreement
- Filing Fee $175.00
- Evidence establishing unpaid back rent and/or breach of the lease/rental agreement (Evidence must be marked prior to commencement of the hearing)
- Names of witnesses
- Copy of document demonstrating ownership of LLC or business.
- Copy of document demonstrating authority to act for LLC business, estate or trust.

Second Claim for Relief (Money Damages)

***All evidence must be marked prior to beginning of the hearing ***

YOU MUST HAVE 3 COPIES OF EACH EXHIBIT

- Evidence establishing damages (i.e. Pictures, documents, estimates, receipts)
- Restitution amount and documentation
- Evidence establishing amount of unpaid back rent
- Witnesses shall be brought to the damages hearing
- Copy of evidence for court and for other party

IN THE VAN WERT MUNICIPAL COURT FOR VAN WERT COUNTY, OHIO

_____

_____

_____ **Case No. _____**

Plaintiff (Landlord)

Vs. **COMPLAINT IN FORCIBLE ENTRY AND**
_____ **DETAINER FOR PAST DUE RENT, AND**
OTHER MONEY DAMAGES

_____

_____

Defendant (Tenant)

FIRST CLAIM FOR RELIEF (EVICTION)

1. Plaintiff is the _____ (owner or agent) of premises located at _____ (address of premises tenant is to be evicted from), Van Wert County, Ohio.
2. Defendant is a tenant at the premises located at _____ (address tenant is to be evicted from.)
3. Defendant is in default of his/her lease/rental agreement because_____
   _____
   _____
   Defendant has not paid rent since _____. (date)
4. On _____, (date) plaintiff served defendant with a 3-day notice to leave the premises pursuant to RC 1923.04. (3-day notice should be filed with complaint or brought to the Court hearing.)
5. Defendant has, since _____, (date after the notice period expired) unlawfully and forcibly detained from the plaintiff possession of the above-described premises.

SECOND CLAIM FOR RELIEF (MONEY DAMAGES)

6. Defendant owes for back rent and/or damages to be determined by the Court.

WHEREFORE, with respect to the first claim for relief, plaintiff prays for restitution of the premises; with respect to the second claim for relief, plaintiff requests a hearing on back rent and/or damages and the costs of this action.
(Note: Plaintiff may request attorney fees here, if applicable.)

Respectfully submitted,

_____
Signature of plaintiff or plaintiff's agent

_____
Address & Phone No.
Revised 10/12

NOTICE TO LEAVE PREMISES

Rev. Code Sec. 1923.04

To _____

I wish you to leave the following described premises now in your occupation, situated in the County of Van Wert and State of Ohio, and described as _____

Together with the lot of land on which said _____ is situated.

Grounds: _____

_____

Your compliance with this notice on or before the _____ day of _____, _____, Will prevent any legal measure being taken by me to obtain possession.

I am respectfully,

_____
Landlord

Dated this _____ day of _____, 20 _____

"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."

This notice must be served at least three days before commencing the action.

30 DAY NOTICE TO VACATE

Tenant Name: _____

Rental Address: _____

TO the above Tenant and all Others in possession of the above premise:

You are hereby given notice to vacate the above premises within (30) Thirty days from the service of this notice. You are required to surrender possession of the above premises to the Landlord on or before this date: _____.
(Optional) You are being vacated for the following reason(s): _____
_____

It is understood that:

1. The Tenant is responsible for all repairs and cleaning to restore the above premises to move-in condition (after accounting for normal wear and tear.)
2. The deposit security cannot be used as the final month's rent.

PROOF OF SERVICE:
On this _____ day of _____, 20 _____, this notice was served by:

_____ Delivering a copy of the notice to the above Tenant personally.
_____ Leaving a copy of the notice with a person of suitable age and discretion at the Tenant's residence.
_____ Sending a copy of the notice by registered or certified mail to the Tenant at his/her residence.
_____ Attaching a copy of the notice to the inside of the front entry door of the premises.

Landlord Name: _____

Landlord Signature: _____

Landlord Address: _____

Date: _____