

## *Eviction Procedures*

1. In all Eviction cases, the Landlord is required to serve the Tenant with a notice to vacate. If the reason for eviction is for non-payment of rent, a three-day notice (do not count weekends or holidays) must be served. If the reason for eviction for something other than for non-payment of rent, then you are required to serve a different type of notice. We cannot and will not advise you of what type of notice you are to serve. You may want to consult an attorney, we cannot practice law.

Service of a notice can be made by the following:

- a. Personally serving the Tenant by hand;
  - b. Putting notices under the door of the residence;
  - c. Posting notice on the door of the residence;
  - d. Sending notice by certified mail.
2. After the notice period has expired, file the Forcible Entry and Detainer Complaint (Eviction) in the Clerk's office (Civil Division). Landlord must file:
  - a. 1 copy - Original copy of eviction complaint for the Court.
  - b. 1 copy - Eviction complaint for each party being evicted.
  - c. 1 copy – Three Day Notice (that was served)
  - d. \$159.00 for one defendant. Additional defendants are \$10.00 each.
3. At the time of filing, the Forcible Entry and Detainer Complaint, the filing clerk will give you a hearing date - you will also be notified by mail.
  - a. Only the First Cause of Action will be heard approximately fourteen (14) days after filing, usually on Wednesday at 8:30 a.m.
  - b. If there is a Second Cause of Action (back rent, damages, etc.), it will not be heard at the first court hearing. Second Cause Hearings are heard 6 – 8 weeks after filing of the First Cause of Action.

Berea has personal bailiff service. Please call the day before your hearing to verify that service has been made and that the hearing will go forward.

4. The Landlord must attend the hearing. Failure to attend will result in the Dismissal of your Complaint and forfeiture of your filing fee. You will have to start procedures all over again. At the hearing, be prepared to show all the evidence of your claim against your Tenant (Defendant) at this time.
5. When the Judge grants the Landlord possession of the premises at the hearing, the Clerk then prepares a Writ of Restitution. The Writ is given to the bailiff and must be executed within ten (10) days. If the Tenant has not vacated by the date given in the writ, the Tenants(s) may be physically removed by the bailiff of the Court. You must contact the Bailiff to set a move-out date. The Landlord must be present at the move-out (the move-out cannot be executed on a Saturday, Sunday or holiday).

**Notice to Leave Premises and Eviction Complaint Form are available on the Berea Municipal Court website.**

[www.bereamunicipalcourt.org](http://www.bereamunicipalcourt.org)

**Due to the Ohio Supreme Court Ruling in the case Cleveland Bar Assoc. v Picklo, 96 Ohio St. 3d. 195, decided on August 21, 2002, no one, other than an individual property owner or attorney may file a complaint or conduct a case for an eviction. Thus a corporation or limited liability company must have a licensed Ohio attorney in an eviction action at any stage of the proceeding.**

This information is provided as a service and is not to be construed as legal advice. If you have any questions, please contact the Court at (440) 826-5860.

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