

**MONTGOMERY COUNTY MUNICIPAL COURT
CIVIL DIVISION**

www.mcclerkofcourts.org

EASTERN DIVISION

6111 Taylorsville Rd.
Huber Heights, OH 45424
Phone (937) 225-5824
Fax (937) 496-7236
www.mccountycourts.org

WESTERN DIVISION

195 S. Clayton Rd.
New Lebanon, OH 45345
Phone (937) 687-9092
Fax (937) 687-7119
www.mccountycourts.org

**EVICITION PACKET
FORCIBLE ENTRY AND DETAINER ACTIONS**

TO FILE AN EVICTION CASE, YOU WILL NEED:

- A served copy, preferably original, of the **Notice to Leave the Premises**.
- Original completed **Complaint for Eviction and Money Damages**.
 - **OUR CLERKS ARE NOT ATTORNEYS, AND ARE NOT PERMITTED TO GIVE YOU ANY LEGAL ADVICE REGARDING THE COMPLETION OF THE COMPLAINT.** Therefore, it is the responsibility of the filer to complete; providing true, accurate and legible information
- Two additional copies for EACH defendant and one copy for the plaintiff listed on the **Complaint for Eviction** and any other paperwork being filed at that time.
- Filing fee

TO REQUEST THE PROPERTY BE RETURNED TO PLAINTIFF, YOU WILL NEED:

- Completed **Praeceptum for Writ of Restitution**.
- Filing fee

Note: Once the **Writ of Restitution** is prepared by the clerk and forwarded to the bailiff for service. The bailiff will call the property owner or owner's counsel listed as point of contact on the **Praeceptum for Writ of Restitution**. This process is solely enforced by the bailiff. Please do not contact the clerks regarding the move-out status.

Disclaimer

The clerks are pleased to answer questions pertaining to the court process, but cannot give legal advice. You are strongly encouraged to contact an attorney should you have any legal questions or questions regarding the completion of the provided forms.

**MONTGOMERY COUNTY MUNICIPAL COURT
EASTERN DIVISION**

Property Owner's Name

CASE NUMBER _____

Property Owner's Street address

City, state and zip code

PLAINTIFF (Property Owner)

**COMPLAINT FOR EVICTION AND
MONEY DAMAGES**

Tenant's Name

Tenant's Street address

City, state and zip code

DEFENDANT (Tenant)

FIRST CLAIM FOR RELIEF (EVICTION)

1. Plaintiff is the _____ (*owner*) of premises located _____
(*address of premises tenant is to be evicted from*), _____ (*city*), Ohio.
2. Defendant is a tenant at the premises at _____
(*address of premises tenant is to be evicted from*)
3. Defendant is in default of the lease/rental agreement because _____

Defendant has not paid rent since _____ (*date*).
4. On _____ (*date*), Plaintiff served Defendant a Notice to Leave the Premises pursuant to RC 1923.04. (*copy of notice to leave premises to be filed with Complaint*)
5. Defendant has since _____ (*date of notice to leave premises period expired*) unlawfully and forcibly detained from the Plaintiff possession of the above-described premises.

SECOND CLAIM FOR RELIEF (MONEY DAMAGES- NOT TO EXCEED \$15,000.00)

6. Defendant owes back rent in the amount of \$ _____, future rent (*until Defendant vacates the premises and/or premises are rented, whichever may be applicable*), and/or unspecified damages in the amount to be determined after Plaintiff has an opportunity to inspect the premises.

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 the total amount due for back rents, future rents, and/or damages, and the costs of this action.

Respectfully submitted,

Signature of Property Owner or Owner's Counsel

Phone Number

NOTICE TO LEAVE THE PREMISES

Serve Date: _____
(date served upon tenant)

Dear: _____
(Tenant's Name)

The purpose of this letter is to ask you to LEAVE the premises now in your possession, situated in _____, Ohio, and known as: _____
(city) (county) (full address and suite number of rental)
_____, together with the lot of land on which these premises are located. You are being asked to LEAVE for the following reason: _____

(state reasons for eviction)

Your compliance with this Notice by _____ will prevent any eviction against you.
(date)

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.

Yours respectfully,

Signature of Property Owner

Print Name of Property Owner

Address

City, State, Zip Code

Telephone Number

**MONTGOMERY COUNTY MUNICIPAL COURT
EASTERN DIVISION**

CASE NUMBER: _____

Plaintiff(s) Name

Plaintiff(s) Street address

City, state and zip code

vs.

**PRAECIPE FOR
WRIT OF RESTITUTION**

Defendant(s) Name

Defendant(s) address

City, state and zip code

To the Clerk:

Please issue a Writ of Restitution to enforce restitution and a move-out for the premises located
at: _____

(street address with apt. number)

(city, state and zip code)

Plaintiff(s) Signature

Move-out contact Name and Telephone Number