
THE SEVEN STEPS OF THE EVICTION PROCESS

It is unlawful for your landlord to evict you by changing your locks, shutting off your utilities, or setting your property out. Your landlord must use the legal eviction process to evict you. There are seven steps to an eviction.

1. TERMINATING THE RENTAL AGREEMENT

The first step in the eviction process is to terminate your rental agreement. Rental agreements can be in writing or not in writing. The eviction process is the same for both kinds of rental agreements.

2. SERVING THE NOTICE TO LEAVE

The second step in the eviction process is to serve you with a "Notice to Leave the Premises." This notice must be in writing. This notice can be handed to you or anyone living with you, mailed to you by certified mail, or just left at your residence. You do not have to leave just because you received a notice to leave.

3. FILING THE COMPLAINT

The landlord must wait until the fourth business day after serving you with a notice to leave before going to the third step. The third step is to file a written eviction complaint with the court. The landlord must file the complaint in either a municipal court or a county court, depending on where you live.

4. SERVING THE SUMMONS AND COMPLAINT

When the clerk of the court receives the eviction complaint, the court will schedule an eviction hearing (or a trial). The date will be typed onto a special page called a "Summons in Forcible Entry and Detainer." The court must then serve you with a copy of the summons and the landlord's eviction complaint. You may be served by regular mail and by a complaint being left at your premises.

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5. HOLDING THE COURT HEARING

You should always go to an eviction hearing. At the hearing, the judge or magistrate will decide if your landlord has the legal right to evict you. If you have any legal defenses to the eviction, you must present them at the hearing. To present legal defenses to an eviction you usually need an attorney.

6. ISSUING THE JUDGMENT

If the judge or magistrate decides that your landlord does not have a legal right to evict you, then you can stay in your home. If the judge or magistrate decides that the landlord does have the legal right to evict you, the court will issue a written decision called a "Judgment Entry." It will restore possession to the landlord. That means you have to move out, usually within 10 days. Some people believe that they are entitled to 30 days to move if they have children. That is not true.

7. EXECUTING THE WRIT

If you have not moved by the end of the time that the Court gives you, your landlord may ask the court to issue another piece of paper called a "Writ of Restitution." The Writ of Restitution orders the court's bailiff or a deputy sheriff to evict you by forcing you to leave and by setting your property outside.

Because the eviction process moves along very quickly, it is very important to see an attorney with your eviction papers immediately after you receive them. It is also a good idea to contact an attorney as soon as you learn that your landlord wants to terminate your rental agreement or wants you to leave.

If you are a senior or low income, call 1-866-LAW OHIO.

Prepared by Southeastern Ohio Legal Services
1-866-LAW OHIO or 1-866-529-6646