

## THE EVICTION FILING PROCESS

You must be the owner of the property or an attorney representing the owner to evict a tenant. Renters must contact their rental office or landlord.

If you are evicting a tenant for breach of the lease (ex. Non-payment of rent) you will need two forms:

- A. A Notice to leave the premises (s/k/a 3-day notice)
- B. An eviction complaint form. These forms are available at the Eaton Municipal Court Building.

You must complete the Notice to Leave the Premises form giving the tenant three (3) full business days (No weekends or holidays, excluding the day they are served) to leave.

If you are evicting a tenant who had not breached the lease, but you want them out for another reason (ex. Putting the house up for sale), you must give the tenant notice that you are terminating the lease, which must provide the tenant with Termination of lease, THEN you must serve the tenant with a 3-day notice to leave as in a breach of leases situation followed by the filing of an eviction complaint if the tenant still occupies the premises after 3 days. The 30-Day Notice to Terminate the Lease does not require mandatory language but it must be clear and understandable and does not need any specific language.

The “3 Day Notice” not only provides for mandatory language, but that language must be A LARGER FONT than the rest of the notice and must also be in bold type font and underlined. AGAIN, this form is available from the Eaton Municipal Court. The mandatory language is as follows:

**“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.”**

To file an eviction case, you will need:

- A copy of the Notice to Leave the Premises and a copy of the 30-Day Notice if applicable.
- The original Eviction complaint form was filled out clearly and legibly.

- Include accurate and complete information in the caption and body of the complaint form, Tenant(s) Name(s) spelled correctly and complete address with Street, Avenue, etc. or North, South, etc., and accurate zip code.
- Two (2) additional copies of the complaint form for each tenant that you are evicting.
- \$160.00 filing fee.
- There is an additional \$150.00 required on the day of the hearing if you wish to activate a writ of restitution. 10 days is the maximum time given for Defendants to vacate.

The hearing is scheduled fourteen (14) to twenty-one (21) days from the date of filing. If you have any additional concerns or questions, please consult an attorney.

Please note for proper service your property will need to be marked in full view. If you have an apartment, please include all alpha or numeric information to ensure which tenant(s) are to be notified. Failure to have your property properly marked will result in service not being perfected.

**PLEASE NOTE: IT IS NEITHER ETHICAL NOR PERMISSIBLE BY  
LAW FOR A COURT EMPLOYEE TO GIVE LEGAL ADVICE.**

## NOTICE TO LEAVE PREMISES

Rev. Code Sec. 1923.04

To: \_\_\_\_\_, Tenant:

You are hereby notified that I/we want you out on or before \_\_\_\_\_, 20\_\_ to leave the premises you now occupy and have rented of me/us. The premises are situated and described as follows: (address) \_\_\_\_\_, in Preble County, Ohio.

GROUND(S): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_, 20\_\_  
Notice given on this date

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State & Zip Code

\_\_\_\_\_  
Phone

Rev. Code Sec. 1923.01, 04, 05  
**IN THE EATON MUNICIPAL COURT**  
**PREBLE COUNTY, OHIO**

Case No. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

**vs.**

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

**COMPLAINT FOR EVICTION**

1. Plaintiff is the owner of real estate located at:  
\_\_\_\_\_

2. That said Defendant occupies the property pursuant to a:  
\_\_\_\_ Written Lease (copy attached)  
\_\_\_\_ Oral Tenancy  
\_\_\_\_ Other (describe): \_\_\_\_\_  
\_\_\_\_\_

3. The rent is \$\_\_\_\_\_ per month/week.

4. Plaintiff is entitled to terminate Defendant's possession of the property because:  
\_\_\_\_ Tenant(s) is in default of rent payment.  
\_\_\_\_ Tenant has breached the lease by \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_ The Lease has come to an end.  
\_\_\_\_ Other: \_\_\_\_\_

5. Notice to vacate in statutory form was delivered to the Defendant on \_\_\_\_\_  
A copy of said notice is attached.

WHEREFORE, Plaintiff demands a writ of Forcible Entry and Detainer.

\_\_\_\_\_  
Plaintiff

\_\_\_\_\_  
Phone Number