

**MONTGOMERY COUNTY MUNICIPAL COURT  
CIVIL DIVISION**

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

**EASTERN DIVISION**

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

**WESTERN DIVISION**

195 S. Clayton Rd.  
New Lebanon, OH 45345  
Phone (937) 687-9092  
Fax (937) 687-7119  
[www.mccountycourts.org](http://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 **Praeipce 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 **Praeipce for Writ of Restitution.** Landlord or the attorney must provide the name and phone number of the person who is to meet the bailiff to change the locks. If this is not provided, the move out will not be scheduled. Once a move out date and time are established, the bailiff will wait 15 minutes past the time for the landlord to arrive with the locks to be changed (the landlord must provide the locks). If the landlord is late, the bailiff will move on to the next appointment and the move out will have to be rescheduled for a different date. If date is rescheduled an additional fee may be charged. Landlord should not share the meeting time for the lock change with the tenant as most tenants will wait until the last minute to move out furniture. The writ orders the tenant to be out by 8:00 a.m. the day of the move out. This 8:00 a.m. move out time should be the only thing the tenant knows. 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  
WESTERN 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  
WESTERN 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) Street 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