

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.

Step 1: Terminating the Rental Agreement

The first step in the eviction process is for the landlord 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.

Step 2: Serving the Notice to Leave the Premises

The second step in the eviction process is for the landlord to serve you with a "Notice to Leave the Premises." This notice must be in writing. You do not have to leave just because you received a Notice to Leave the Premises but if you do not leave by the deadline stated in the Notice, an eviction action may be filed against you.

Step 3: Filing the Complaint

The landlord must wait until the day after the deadline listed on your NTLP before filing a written eviction complaint with the court.

Step 4: Serving the Summons and Complaint

When the landlord files 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 mail, by the complaint being handed to you or any adult who lives with you, or by posting the complaint to the front door of your home.

You should call an attorney as soon as you receive the complaint.

Step 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. You can present your defenses by testifying yourself, asking witnesses to testify for you, or by presenting other evidence to the court such as rent receipts, your lease, or written communications between yourself and your landlord.

Step 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 has the legal right to evict you, the court will issue a written decision called a Judgment Entry. The Judgment Entry will restore possession to the landlord.

Step 7: Executing the Writ

Once a Judgment Entry has been issued, 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. The bailiff or sheriff's office must do so within 10 days once the Writ is issued.

Counties vary in their practices regarding Writs. Some issue a Writ automatically, and can tell you at your hearing when the bailiff will be out to set your stuff outside. Others wait until a landlord requests a Writ and puts up a deposit, and the actual set out could be the next day, or it could be 10 days later, or anything in between.

If you do not have a defense to your eviction and want to negotiate with your landlord for more time, one way to do so is to ask them to delay requesting the Writ until a certain date. In counties where a Writ deposit is required, you agreeing to move out by a certain date can save your landlord money versus paying for a set out, so they may be open to giving you a few more days.

This information is provided by Southeastern Ohio Legal Services based on current Landlord-Tenant laws, which are always subject to change.

FOR FREE HELP CONTACT:

Southeastern Ohio Legal Services

Call: 844-302-1800 or "Request Help On-line" at <http://www.seols.org>