

Eviction Process

First Cause of Action Only Evictions – Non Payment of Rent/Lease Violation

- Serve the tenant(s) with a legal “Notice to Leave the Premises”.
 - You must give the tenant three (3) full days to vacate, do not include the day you serve the notice. The third day must not fall on a Sunday and/or legal holiday.
 - Only the legal property owner (or their attorney) can file the eviction.
 - After the three days have passed bring the following to the Clerk’s Office to file the eviction:
 - **Copies of the Notice to Leave the Premises (3 for one defendant, 5 for two defendants)**
 - **One copy of the deed (not the original)**
 - **One copy of the lease (if there is one)**
 - Filing fee for eviction: \$125.00 for up to two defendants (\$5.00 for each add'l) **Fees can be paid by cash, certified check, money order, or personal check (Miami County residents only)
 - It will take approximately three (3) weeks for a hearing. All hearings are scheduled on Wednesdays at 1:30 pm in the large courtroom on the 3rd floor.
-

Writ of Restitution Process

Filing fee: \$35.00

- Once the writ is requested and all costs are paid, the Writ will be issued to the Bailiff to be served upon the defendants personally or by posting at the residence.
- Once the defendants are served, the Bailiff will mail a copy of the Writ to the landlord and his/her attorney of record.
- Writs are only good for ten (10) days from the file stamp date. If the writ is not executed upon within those ten days, the landlord will need to request a new Writ and pay the filing fee.
- It is the landlord’s responsibility to arrange for the movers and also have the correct paperwork with them when executing the move-out.
- If the landlord wishes to have Law Enforcement present at the move-out for the initial contact, they must contact their local law enforcement agency to make arrangements. Any assistance will be determined by that agency's policy and/or availability.