

IN THE KETTERING MUNICIPAL COURT,  
KETTERING, OHIO

FILED  
KETTERING  
MUNICIPAL COURT  
2016 JUL 26 PM 4: 26  
ANDREA J. WHITE  
CLERK

RE: Local Rule: Forcible Entry And Detainer ADMINISTRATIVE ORDER

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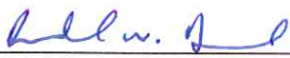
Effective immediately, the Court hereby adopts the following local rule.


**FORCIBLE ENTRY & DETAINER**

- A. In forcible entry and detainer (FED) actions under Ohio Revised Code Chapter 1923, summons shall be issued in the form as specified in section 1923.06(B) of the Ohio Revised Code and shall be served as in the Rules of Civil Procedure.
- B. For purposes of this rule, the following terms are used:  
The term "Landlord" is used to describe any of the following: the Plaintiff, the property owner, the property owner's agent or designee, or the property owner's attorney of record.  
The term "Tenant" is used to describe any of the following: the Defendant, the tenant, or the tenant's attorney of record.
- C. Complaints in actions in FED shall be set for hearing on the appearance docket and shall be heard by the Judge or Magistrate.
- D. At the time set for the FED hearing, the Landlord and the Tenant shall be present in the court. Failure of the Landlord to comply with this rule may result in dismissal of the case.
- E. In the event the Tenant fails to appear at the FED hearing, no restitution shall be ordered unless evidence or testimony is taken on behalf of the Landlord regarding the proper form and service of the required notice under Ohio Revised Code 1923.04 and the Tenant's failure to pay rent when due or other reason why restitution of the property is being sought.
- F. If the Landlord is successful in the eviction action, the court will order that the Tenant vacate the premises by issuing a Judgment Entry and Order of Restitution of premises.
- G. The Landlord may request a Writ of Restitution to cause the restitution of the premises to the Landlord. The Writ of Restitution shall provide a date certain for the Tenant and their property to be removed from the premises.

- H. The Bailiff shall serve the Tenant with the Writ of Restitution by posting a copy on the premises or through personal service at the FED hearing.
- I. If the Tenant has not vacated the premises by the designated date, the Bailiff will assist the Landlord with the forcible eviction process. It is the responsibility of the Landlord to notify the Bailiff prior to the Court's notification deadline that the forcible eviction is still necessary.
- J. The Writ of Restitution shall inform the tenant that:
  - a. the court has granted restitution of the premises to the Landlord and advise of the date on which the forcible eviction process will occur;
  - b. the Tenant must vacate and remove all personal property before the designated date for forcible eviction;
  - c. on the designated date, the Tenant will be forcibly evicted under the supervision of the Bailiff;
  - d. any personal property of the Tenant not removed before the designated date will be considered abandoned and subject to disposal by the Landlord.
- K. After the Tenant has been evicted and the premises restored, it shall be the responsibility of the Landlord to remove and lawfully dispose of any litter or abandoned personal property. The Landlord may hire a company to assist with the removal and disposal. The Court shall not recommend any moving or waste disposal company. Any trash or abandoned property shall not be left anywhere on exterior of the property for longer than 48 hours before disposal. Any bulk waste shall not be set on the curb without first contracting with a trash disposal company for its removal.
- L. All Forcible Entry and Detainer cases that have remaining causes of action shall be continued for answer and proceed according to the Ohio Rules of Civil Procedure.

**IT IS SO ORDERED:**

  
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Frederick W. Dressel  
Judge

  
\_\_\_\_\_  
James F. Long  
Presiding Judge