



Amber Zibritosky

Clerk of Courts

Stow Municipal Court
4400 Courthouse Boulevard
Stow, Ohio 44224
(330) 564-4110

EVICCTIONS FREQUENTLY ASKED QUESTIONS (FAQs)

General Questions

1. What costs are involved in an eviction case?

All filing fees associated with evictions are listed in the Schedule of Civil Court Costs, available [here](#).

2. What is the difference between a one-cause eviction and a two-cause eviction?

In a one-cause eviction, the landlord is simply requesting an order from the court to remove the tenant and regain possession of the property (currently held via Zoom). A two-cause eviction not only gives the landlord possession of the property, but also allows the landlord to pursue a claim for money against the tenant. The claim for money is the "second cause."

3. How long does an eviction usually take from start to finish?

An eviction will generally take approximately one month from the date the complaint is filed. If the complaint contains a second cause, it will be handled separately.

4. I cannot attend my court date. How can I get a continuance (a rescheduled court date)?

Any requests for continuance must:

- A. Be submitted to the court in writing at least 24 hours before the scheduled hearing. Requests may be submitted in person, by mail, or through the court's e-filing system. Attorneys are required to use our e-filing system. We cannot accept requests for continuance over the phone, by fax, or by email;
- B. Contain the reason for the request;
- C. Contain the requester's signature, phone number, and email address; and
- D. Contain proof of service stating that a copy was sent to the opposing party (or the opposing party's attorney, if the opposing party is represented).

The form to request a continuance is available [here](#).

To find out if your continuance is granted, please check the online docket. Alternatively, you can give us a call at 330-564-4148. If your continuance is not granted, please make arrangements to attend.

5. I need to give the court my email address so that I can attend a Zoom hearing. How do I do that?

You can submit your email address to the court by emailing it to civil@stowmunicourt.com or by faxing it to 330-564-4114. Please include your name, case number, and the date of your hearing. Be sure to include your email address in the body of your email.

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6. I don't have a computer or a smart phone or I can't figure out how to load Zoom on my phone/computer. How do I attend my Zoom hearing?

If you are unable to install Zoom on your phone/tablet/computer, you are welcome to come to the court at your scheduled hearing time and use Zoom on a court computer.

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Landlord Questions

1. I want to file an eviction action. What is the first step?

Fill out a three-day notice form and post it on the door of the rental unit. The form is available [here](#). Please make sure to keep a copy to file with the court in case your tenant does not move out and you decide to file an eviction complaint. (In addition a 30 day notice may also be required by law under certain circumstances.)

2. I have posted a three-day notice. When can I file the eviction complaint?

You must wait three full business days after posting the notice. You cannot count the day you posted the notice, weekends, or court holidays. For example, if you posted your three-day notice on a Thursday, your three days would be Friday, Monday, and Tuesday. The first day you could file the eviction action would be Wednesday. If, however, Monday were a holiday, the three days would then be Friday, Tuesday, and Wednesday, and the first day you would be able to file the eviction action would be the following Thursday. The eviction complaint is available [here](#).

3. My tenant is in jail and won't be able to see a three-day notice if I post it on the door. How can I serve the notice?

A three-day notice may also be served by certified mail, return receipt requested, or by handing a written copy of the notice to the tenant in person.

4. If I file the eviction action today, when will the court date be?

Court dates are usually scheduled approximately two weeks from the time the case is filed to give the bailiff time to serve the tenant. Currently we hold all first cause eviction hearings on Wednesdays.

5. My property is held in an LLC/corporation. May I file my own paperwork?

No. LLCs and corporations are required to be represented by an attorney.

6. I got a letter from the court that says that the court is unable to obtain service on my tenant. What do I need to do?

In an eviction, this letter is most often sent out when the FedEx sent to your tenant comes back to the court because it was unclaimed, refused, or undeliverable. Without good service on your tenant, the second cause of the eviction action cannot move forward. The letter notifies you that you will need to file a praecipe with the clerk's office to request the clerk's office reattempt service on your tenant. The praecipe form is available [here](#). If you do not request the clerk's office reattempt service, your second cause will not proceed and may eventually be dismissed.

7. I am a landlord and have won a judgment evicting my tenant. How long do I have to file for a writ?

The writ must issue within 60 days from the date of the court order, unless otherwise ordered by the judge or magistrate.

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8. Where can I get a copy of the bailiff instructions?

The bailiff instructions are located [here](#).

9. I paid for a writ of restitution. How do I find out my tenant's move out date?

It will take a few days to process the writ and have it delivered to the property. Once the bailiff has returned a copy of the writ, which includes the move out date, to the clerk's office, it will be scanned and viewable on our website.

10. The court assigned my tenant a move out date. What if the tenant doesn't leave?

If your tenant is not out by the move out date, call the court's bailiff at 330-564-4179 by 9:00 on the morning after the move out date. The bailiff will arrange a time to meet so you can change the locks. Please make sure you call the next morning. If you do not, you may need to purchase a new writ and have the bailiff assign a new move-out date.

11. I have my property back. What do I do with the items my tenants left behind?

Unfortunately, laws can vary by jurisdiction on the landlord's obligations regarding personal property left behind by tenants. You may want to contact your attorney or your city's law department for guidance.

12. I filed a two-cause eviction and my tenant has not responded. What is my next step?

If it has been more than 28 days since you got good service on your tenant, you may file a motion for default judgment. You must mail a copy to the tenant. The motion for default judgment form can be found [here](#).

13. I have an order giving me a default judgment against my tenant. How do I collect my money?

Please see our Collections Flowchart, which is available [here](#), for information on how to collect on a judgment.

14. I filed a one-cause eviction complaint and my tenant was evicted. Now I have found that the tenant damaged my property and I wish I had filed a two-cause complaint to collect money. What can I do?

If the amount of your damages is \$6,000 or less, you can file a small claims complaint. If the amount of your damages is more than \$6,000, but less than \$15,000, you can file a damages complaint; however, it is recommended that you retain an attorney for a damages complaint. If the amount of damages is over \$15,000, Stow Municipal Court does not have jurisdiction over your complaint. You would need to file your complaint at the Summit County Court of Common Pleas.

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Tenant Questions

1. My landlord has posted a three-day notice. What happens next?

You must vacate the premises within three days or work out an agreement with your landlord before he files an eviction action with the court. If an eviction action is filed, it will become a public record. It may appear on your credit report and make it difficult for you to rent in the future.

2. My landlord has filed an eviction action. Do I need an attorney? What if I cannot afford an attorney?

While it is possible to defend an eviction action without an attorney, you may feel more comfortable with an attorney representing you. If you feel you need an attorney, there are agencies such as Community Legal Aid, Ohio Legal Help, or the Akron Bar Association that may be able to assist you in finding an attorney at a reduced or no cost, if you qualify.

Akron Bar Association
57 South Broadway Street
Akron, Ohio 44308
330-253-5038
www.akronbar.org

Community Legal Aid
50 South Main Street, Suite 800
Akron, Ohio 44308
330-535-4191
www.communitylegalaids.org

Ohio Legal Help
88 East Broad Street, Suite 720
Columbus, Ohio 43215
866-791-8632
www.ohiolegalhelp.org

3. A bailiff has just posted a writ of restitution on my door with a move-out date. What happens if I am not out on time?

Your landlord may call the bailiff the next morning to meet at the property to change the locks and take possession of the property. You will no longer have access to the property.

4. What if the bailiff posted a move-out date on my door and I need more time to find somewhere to go?

You are welcome to try to negotiate more time with your landlord. You may also consider filing a motion to stay the execution of the writ of restitution. The motion to stay form can be found [here](#).

5. My landlord filed a two-cause eviction complaint. When is the court date on the second cause?

Unlike the first cause, the second cause is not automatically assigned a court date. A hearing date will not be set until the tenant files an answer with the clerk's office.

6. How long do I have to file an answer to the second cause?

You have 28 days from the date you are served to file an answer.

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7. If my landlord has filed a two-cause eviction complaint, how do I file an answer?

To answer a complaint, you will need to respond truthfully in writing to the allegations in the complaint, admitting what you know to be true and denying any statement you believe to be false or that you do not know to be true. You do not need to go into detail or argue the facts of your case. You are only protecting your right to present your case later. You may also include any defenses that may apply to your case. If you do not include these defenses in your answer, you may not be able to present them later. You may then ask the court to dismiss your case.

At the end of the answer, sign your name, and clearly print your address, phone number, and email address. Finally, fill out the certificate of service at the bottom of the answer, indicating that you are mailing one copy to your landlord (or to your landlord's attorney). Make three copies of your answer. File one with the clerk of court's office, mail one copy to the landlord (or landlord's attorney), and keep one copy for your records. The answer form is available [here](#).

8. I have filed answer to the second cause of the eviction. What will happen now?

If you have filed an answer with the clerk of court's office and indicated on the certificate of service that you mailed a copy to the landlord (or the landlord's attorney), your answer will go to the magistrate for review. You will receive notice in the mail within a few days telling you when the hearing on the second cause will be.

9. My landlord filed a two-cause eviction. What will happen if I don't file an answer?

If you do not file an answer, there will not be a hearing on the second cause. Your landlord may then file a motion for default judgment against you. If the motion is granted, your landlord may try to collect on the judgment.

10. I have already moved out and turned in my keys. Do I still need to attend my eviction hearing?

If you have a scheduled court date, you should always appear unless your case has been dismissed or closed.

11. I have moved. How do I let the court know my new address so that I can continue to get notices about my case?

You can submit your new address (and phone number and email) to the court by mail, e-filing, or faxing it to 330-564-4114. Please include your name and case number.

12. My landlord filed a one-cause eviction against me. Why does the writ of restitution say I owe money?

When the court grants restitution of property to the landlord, it usually also rules court costs are to be paid by the tenant. This money may be paid to the clerk's office or directly to the landlord.

13. My eviction was dismissed or was concluded a long time ago. Can I have it expunged?

All civil actions, including evictions, once filed, are public record. Stow Municipal Court does not expunge civil cases.

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