

RULE XXI

EVICCTIONS

1. SERVICE PURSUANT TO SECTION 1923.06:

Where service is made by posting pursuant to R.C. 1923.06(D)(2)(c) and the ordinary mail mandated by R.C. 1923.06(C) is returned by the postal authorities with an endorsement showing failure of delivery, service shall be deemed complete under R.C. 1923.06(G)(2). Where service is by certified mail, and the certified mail is returned for any reason, other than refused or unclaimed, the case shall be presented to a judge or magistrate, as appropriate, for a determination of whether service is complete. (Revised 4/29/08, Effective 5/12/08)

If service in an eviction action is not complete for any reason, the defendant may nonetheless appear and waive service.

2. TRIAL:

A. The clerk shall schedule each eviction trial no less than 18 days after the date the complaint is filed. If, however, it appears to the clerk that substantially fewer trials have been set on a particular day than would be necessary to balance the size of the eviction dockets, the clerk may set the trial on such earlier date, but in no event earlier than 14 days after the complaint is filed. The failure of the clerk to set a trial date in accordance with this rule is not grounds for dismissal of the complaint.

B. Civil Rule 53 shall not apply to eviction trials.

C. The magistrate shall promptly conduct the trial and shall prepare, sign and file a magistrate's decision with the clerk. The clerk shall submit the decision to the court on the day after the expiration of the seven-day objection period. The court may adopt the magistrate's decision if no written objections are filed unless it determines that there is an error of law or other defect on the face of the decision. The magistrate's decision will be effective when adopted by the court.

D. Where immediate relief is justified, the magistrate may so state in the decision, including the reason therefor, and the clerk shall submit the decision to the court without waiting for timely objections by the parties.

3. RESTORATION OF THE PREMISES:

The court shall issue a writ of restitution to the plaintiff in eviction immediately upon the entry of a judgment for possession. The plaintiff must contact the bailiff to schedule the execution of the writ.