

## **RULE XXIV**

### **PROCEDURE FOR OBJECTION TO MAGISTRATE'S EVICTION DECISION**

#### **1. OBJECTIONS:**

A party may file written objections to the magistrate's eviction decision within seven days of the filing of the decision, regardless of whether the court has adopted the decision. Objections shall be specific and state with particularity the grounds of objection. The objecting party shall also file within that seven-day period a transcript of all of the evidence submitted to the magistrate.

#### **2. BOND; STAY OF EXECUTION:**

If the defendant files objections, the magistrate shall immediately enter an order requiring the defendant to post a bond in accordance with R.C. 1923.08. The bond shall be posted within seven days of the filing of the decision. If the defendant fails to timely post the bond, the court may adopt the magistrate's decision as if no objections had been filed, unless it determines that there is an error of law or other defect on the face of the decision. If the court has adopted the magistrate's decision, the defendant may move the court to stay execution of the judgment pending the court's ruling on the objections. If the court grants a stay, it shall be conditioned on the defendant posting the bond.

#### **3. RULING ON OBJECTIONS:**

The court shall promptly rule on any objections. The court may adopt, reject or modify the magistrate's decision, hear additional evidence, or try the matter *de novo*. The court may refuse to consider additional evidence proffered upon objections unless the objecting party demonstrates that with reasonable diligence the party could not have produced the evidence for the magistrate's consideration.