

NOTICE TO ATTORNEYS WHO PRACTICE IN MUNICIPAL COURT

**THE JUDGES OF THE FRANKLIN COUNTY MUNICIPAL COURT HEREBY GIVE
NOTICE OF THEIR INTENTION TO AMEND LOCAL RULE 9 AS FOLLOWS:**

Rule 9. Duties of The Clerk Of Court

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9.06 Procedures in forcible entry and replevin cases. Forcible entry and detainer and pre seizure hearings on replevin cases shall be assigned as follows:

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D. A writ of restitution in forcible entry and detainer cases shall not be issued after thirty days from the date of judgment unless the parties have entered into an agreement to extend the period during which a writ may be issued. In no event shall a writ of restitution be issued after 120 days from the date of judgment. The writ shall not be re-activated after a request by the plaintiff for non-service. The Franklin County Municipal Court Service Bailiff's Office is hereby designated as the levying officer for writs of restitution.

E. When a claim of forcible entry and detainer is disposed of with an agreed judgment for restitution of premises in which the plaintiff agrees not to enforce the judgment in exchange for the defendant's performance of certain acts (e.g., vacating the premises, making payments, etc.), the Clerk shall not issue a writ of restitution unless the plaintiff presents an affidavit demonstrating a breach of the agreement and an entry is journalized authorizing issuance of the writ of restitution.

EF. Preseizure hearings in replevin cases will be assigned as outlined in this rule. Upon completion of the hearing, the court will enter its findings upon the half sheet of the case file. Should the court order an immediate seizure of the goods, the clerk, upon receipt of proper instructions, the posting of the bond as required in Section 1919.04 R.C., the advanced security costs of \$10.00, and appraisers fees in the amount of \$50.00, will issue a writ of replevin forthwith.

Whenever a proceeding for an order of attachment or replevin is made pursuant to Section 2715.043 and 2737.07 of the Ohio Revised Code, the hearing on said matter shall be set on the 20th day thereafter; and whenever a proceeding for garnishment of property, other than wages, is made pursuant to Section 2716.13 of the Ohio Revised Code, the hearing on said matter shall be set on the 12th day thereafter.