

Dayton Municipal Court  
301 W. Third Street, P.O. Box 10700 • Dayton, Ohio 45402

Civil Division Forms

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**NOTICE: In compliance with the Ohio Revised Code Section 5703.47 the interest rate calculated by the Tax Commission and certified by the Auditors Office for the calendar year 2023 is FIVE PERCENT (5%). This interest rate will apply to all new civil judgments.**

The Court and Clerk have endeavored to simplify both the acquisition and filing of the paperwork necessary to complete several civil filings. The forms included below are grouped by filing. Each form has a brief explanation of its use, the number of copies which must be filed, and the costs for each filing.

[FAX FILING COVER PAGE - PDF LINK](#): To submit a fax filing, please use this form.

### Small Claims

[CLAIM FORM - PDF LINK](#): Individuals wishing to file a small claims case against a person or business must complete this form in triplicate. The amount of the claim cannot exceed \$6,000.

Number of Copies Required: 1\*

Filing Fee(s): \$65.00 one Defendant, \$10.00 each additional Defendant

[REQUEST FOR QUESTIONNAIRE - PDF LINK](#): To be utilized, after judgment for plaintiff, to obtain information regarding the financial worth of the judgment debtor.

Number of Copies Required: 1\*

Filing Fee(s): \$10.00

[REQUEST TO FORWARD JUDGMENT TO REGISTRAR - PDF LINK](#): To be utilized after judgment by the plaintiff on motor vehicle accidents only. Can be filed 30 days after judgment if debtor has not satisfied judgment. This action places a block on debtor's ability to register vehicle or renew licenses until debt is satisfied.

Number of Copies Required: 1\*

Filing Fee(s): \$5.00

### Levy Execution and Exemptions

[NOTICE TO JUDGMENT DEBTOR OF EXECUTION AND EXEMPTIONS - PDF LINK](#): This form is used to seize the debtor's property, sell it, and collect judgment from the proceeds. This can be either personal property or business property of the debtor.

Number of Copies Required: 5\*

Filing Fee(s): \$875.00 (\$75.00 Court costs, \$800.00 Deposit)

[REQUEST FOR HEARING \(LEVY\) - PDF LINK](#)

*\*Please Note: If you want to keep a time stamped copy: prepare an additional copy and clip it to the original. Page 1 of 8*

## Garnishments

### BEFORE FILING FOR GARNISHMENT

Before you may file a garnishment against an individual's wages, you must first send a dated copy of a "Fifteen (15) Day Demand Notice" to that individual at their last known address. After fifteen (15) days have expired, but before forty-five (45) days, you may file your garnishment.

**[FIFTEEN \(15\) DAY DEMAND NOTICE OF COURT PROCEEDING TO COLLECT DEBT - PDF LINK](#)**: Send prior to filing a garnishment.

Number of Copies Required: 1 \*

### FILING FOR GARNISHMENT

To garnish a debtor's wages following a civil judgment the following forms must be completed and filed. These forms must be assembled in order prior to filing. See instructions below.

**[AFFIDAVIT, ORDER, AND NOTICE OF GARNISHMENT OF PERSONAL EARNINGS & ANSWER OF EMPLOYER - PDF LINK](#)**

Number of Copies Required: 5 (two pages in each document)\*

**[NOTICE TO JUDGMENT DEBTOR - PDF LINK](#)**

Number of Copies Required: 3\*

**[INTERIM REPORT AND ANSWER OF GARNISHEE - PDF LINK](#)**

Number of Copies Required: 1\*

**[FINAL REPORT AND ANSWER OF GARNISHEE - PDF LINK](#)**

Number of Copies Required: 1\*

**[REQUEST FOR HEARING \(GARNISHMENT\) - PDF LINK](#)**

Number of Copies Required: 1\*

### AFTER FILING FOR GARNISHMENT

**[AFFIDAVIT OF CURRENT BALANCE DUE ON GARNISHMENT AND NOTICE TO JUDGMENT DEBTOR OF CURRENT BALANCE DUE - PDF LINK](#)**: File to notify both employer and debtor of balance remaining to be garnished from a civil judgment.

Number of Copies Required: 1\*

**[DISCHARGE OF GARNISHEE - PDF LINK](#)**: Utilized to notify employer to cease garnishment of debtor's wages.

Number of Copies Required: 1\*

## INSTRUCTIONS - Filing for Garnishment of Personal Earnings:

To file, staple each group in the order specified below, then paperclip the groups of copies together (1, 2, and 3.) Once compiled, mail or deliver with the filing fee (DO NOT STAPLE) to the Dayton Municipal Clerk of Court Civil Division:

### Group 1

- A. The Original Copy of the Affidavit, Order and Notice of Garnishment
- B. One copy of the Fifteen (15) Day Demand Notice
- C. Proof of Mailing of the Fifteen (15) Day Demand Notice in one of the following ways:  
Registered Ordinary Mail Slip, Green Certified Mail Return Card, or the unopened envelope returned by the post office
- D. The Original Copy of the Notice to Judgment Debtor.

### Group 2

- A. One (1) copy of the Affidavit, Order and Notice of Garnishment
- B. One (1) copy of the Interim Report and Answer of Garnishee
- C. One (1) copy of the Final Report and Answer of Garnishee

### Group 3

- A. Three (3) copies of the Affidavit, Order and Notice of Garnishment
- B. Two (2) copies of the Notice to Judgment Debtor
- C. Request for Hearing Card, with the case number and execution number stamped on it

### Filing Fee(s):

\$100.00 for Certified Mail

\$110.00 for Personal Service

\$130.00 for Sheriff

\$100.00 for Special Process Server (Please note: A Special Process Server Entry must be filed along with the Affidavit, Order and Notice of Garnishment)

## Bank Attachments

After a judgment, the judgment creditor may file the following forms together to attach the financial assets of the debtor other than wages.

### [AFFIDAVIT, ORDER, NOTICE OF GARNISHMENT OF PROPERTY OTHER THAN PERSONAL EARNINGS AND ANSWER OF GARNISHEE - PDF LINK](#)

Number of Copies Required: 5 (two pages in each document)\*

### [NOTICE TO THE JUDGMENT DEBTOR \(PROPERTY\) – PDF LINK](#)

Number of Copies Required: 3\*

### [REQUEST FOR HEARING \(BANK ATTACHMENT\) – PDF LINK](#)

Number of Copies Required: 1 (two page document)\*

*\*Please Note: If you want to keep a time stamped copy: prepare an additional copy and clip it to the original. Page 3 of 8*

## INSTRUCTIONS - Filing for Garnishment of Property (Bank Attachment):

To file, staple each group in the order specified below, then paperclip the groups of copies together (1, 2, and 3.) Once compiled, mail or deliver with the filing fee (DO NOT STAPLE) to the Dayton Municipal Clerk of Court Civil Division:

### Group 1

- A. The original copy of the Affidavit, Order, Notice of Garnishment of Property
- B. The original copy of the Notice to Judgment Debtor

### Group 2

- A. One copy of Affidavit, Order, Notice of Garnishment of Property

### Group 3

- A. Copy of personal information to garnishee
- B. Three (3) copies of the Affidavit, Order, Notice of Garnishment of Property

### Group 4

- A. Two (2) copies of Notice to Judgment Debtor
- B. Request for Hearing Card

The Affidavit, Order, Notice of Garnishment of Property form will be sent to the bank via Certified Mail. If you prefer a different method of service, you must inform the Clerk of the method of service to be used **before filing**.

### Filing Fee(s):

\$ 100.00 for Certified Mail

\$ 110.00 for Personal Service

\$ 130.00 for Sheriff Service

\$ 100.00 for Special Process Server (Please note: A Special Process Server Entry must be filed along with the Affidavit, Order and Notice of Garnishment)

## Debtor's Examination

**ORDER OF DEBTOR'S EXAMINATION - PDF LINK:** Can be filed by judgment creditor following a civil judgment that requires debtor to present a summary of personal worth to be heard before a magistrate.

**Number of Copies Required:** 2 (two pages in each document)\*

**Filing Fee(s):** \$40.00

## Citation in Contempt

**CITATION IN CONTEMPT - PDF LINK:** Can be filed by judgment creditor to request judgment debtor or garnishee to be held in contempt of court for failing to follow a previous court order.

**Number of Copies Required:** 3 (two pages in each document)\*

**Filing Fee(s):** \$40.00

## Sealing Records/ Expungements

Upon receipt of the appropriate application and payment, where necessary, we will process your application. The application will then be submitted to the Probation Department for a background check and recommendation. Once the assigned Judge's office receives the recommendation, a notice of hearing date and time will be mailed to applicant.

**VERIFICATION FOR EXPUNGEMENT – PDF LINK:** This form is used to verify, prior to filing, that no criminal charges resulted from the arrest. This form also helps to make sure the application is filed in the correct division.

Number of Copies Required: 1\*

Filing Fee(s): No fee to file

**NOTICE:** There is no guarantee that by submitting an application, that your record will be sealed/expunged. If it is determined that you are not eligible or your request is denied, you are not eligible for a refund.

**ARREST RECORD SEALING APPLICATION - PDF LINK:** Individuals who have been arrested, but have not had charges filed against them may use this form to seal the record of their arrest.

Number of Copies Required: 3

Filing Fee(s): No fee to file

**NOTICE:** If you were officially charged and you pled guilty, were found guilty, were found not guilty, or the case was dismissed you need to file in the Criminal Division. The Criminal Division's list of forms is available at this link:

[https://clerkofcourt.daytonohio.gov/PA/tc\\_form/DaytonMunicipalCourt-TCForms.pdf](https://clerkofcourt.daytonohio.gov/PA/tc_form/DaytonMunicipalCourt-TCForms.pdf)

## Subpoena

**SUBPOENA PRAECIPE - PDF LINK:** To be used by any of the litigants or their attorneys to order an individual to be present for a particular civil court hearing.

Number of Copies Required: 1 + (1 copy for each witness being served)\*

Filing Fee(s): \$15.00 per witness (includes service by Bailiff or Certified Mail) **PLUS**  
\$6.00 per witness, per half day (Witness Fee)

## Misc. Civil Forms

**GENERIC PLEADING - PDF LINK:** This form can be used to file a variety of requests. This document contains the appropriate formatting for the case caption. Be sure to fill in the title of your document. The title is usually the main request of your document. The Clerk's Office cannot assist you in what to write in your request or what to title your document.

**REQUEST FOR CONTINUANCE - PDF LINK:** This form can be used to request a continuance (change your court date). There is no fee to file this request. Filing a request for continuance does not guarantee that your case will be rescheduled. The Magistrate or Judge will review your request and decide if the case should be continued. You should check with the Clerk's Office to see if your request was granted.

**PROCESS SERVER APPLICATION - PDF LINK:** This form can be used to appoint a process server, either as a standing order or on a case-by-case basis, to serve court paperwork on a party. A standing order for a process server is valid for one year from the date of approval.

*\*Please Note: If you want to keep a time stamped copy: prepare an additional copy and clip it to the original. Page 5 of 8*

## Driving Privileges for Non-Compliance and 12-Point Suspensions

**INFORMATION SHEET - PDF LINK:** This information sheet provides the documents needed to file your request and has helpful information on how to read and understand your reinstatement requirements.

**NON-COMPLIANCE SUSPENSION PETITION FOR DRIVING PRIVILEGES - PDF LINK:** This form is used by individuals wishing to request driving privileges and/or a reinstatement payment plan during a non-compliance suspension.

Number of Copies Required: 1\*

**12-POINT SUSPENSION PETITION FOR DRIVING PRIVILEGES - PDF LINK:** This form is used by individuals wishing to request driving privileges during a 12-point suspension or to appeal the 12-point suspension.

Number of Copies Required: Follow the detailed list of documents to provide below.\*

Filing Fee(s): \$140.00

Required	Supplied by Court	Original Needed	Copies Needed
Petition	Yes	Yes	Original only
Driver's License or ID	No	Yes	Court will make 1 copy
Reinstatement Requirements Report (also known as BMV 2006)	No (Available on the BMV website)	No	Original only
Letter from employer	No	Yes	Original only
SR22 Insurance Bond	No	Yes	Original only
Letter from school, daycare, doctor (as needed)	No	Yes	Original only

**SUPPLEMENTAL FILING - PDF LINK:** This form is used anytime additional paperwork is submitted on a previous filed petition. For example, an order was issued to re-test and now the test results need to be filed; this form would be submitted along with the test results.

Number of Copies Required: 1 (plus the additional paperwork)\*

Filing Fee(s): No fee to file

**MOTION TO DISMISS - PDF LINK:** This form is used to cancel a payment plan and/or driving privileges issued by the Court. For example, the suspension is over and you qualify for the BMV payment plan; this form would be submitted to terminate the Court ordered payment plan and/or driving privileges so you can apply for the BMV payment plan.

Number of Copies Required: 1\*

Filing Fee(s): No fee to file

# Evictions

## BEFORE FILING FOR EVICTION

**NOTICE TO VACATE - PDF LINK:** This notice complies with the “bold and conspicuous” language required by statute. Note: This notice may not be the proper notice for all cases.

**Warning:** Some lease violations and different types of housing, such as subsidized housing or mobile homes, require multiple notices of different durations, different mandatory language, and may require alternate methods of service. You should seek the advice of an attorney regarding all information required and proper methods of service. Failure to serve a proper notice will result in your case being dismissed and no refunds will be given. The Clerk and the Court cannot give legal advice on this issue.

## FILING FOR EVICTION

**EVICTION COMPLAINT FORM - PDF LINK:** This form can be used by owners wishing to file an eviction for a property located within the City Limits of Dayton. Documents needed to file an eviction action: Please note the number of copies needed for each required form. **Please provide instructions for service unless you are filing your case in person.**

Required	Supplied by Court	Original Required	Copies Needed
Complaint	Yes	Yes	Original plus three copies per tenant*
Notice to Vacate	Yes	No	Four copies per tenant*
Copy of Written Lease* - or -	No	No	Four copies per tenant*
Sworn Affidavit*	No	Yes	Original plus three copies per tenant*

### Filing Fee(s):

One Defendant (Ordinary Mail and Process Server) - \$150.00  
One Defendant (Ordinary Mail and Bailiff) - \$160.00  
Two Defendants (Ordinary Mail and Process Server) - \$155.00  
Two Defendants (Ordinary Mail and Bailiff) - \$175.00

### Additional Service and/or Defendants:

Certified Mail (each defendant) - \$10.00  
Ordinary Mail (each additional defendant) - \$5.00 (ordinary mail is included for first defendant)  
Bailiff Service (each defendant) - \$10.00

## AFTER RECEIVING EVICTION JUDGMENT

### **MOTION FOR WRIT OF RESTITUTION - PDF LINK** OR

**MOTION FOR WRIT OF RESTITUTION (MANUFACTURED OR MOBILE HOME – TENANT OWNER) - PDF LINK:** This form is used by the plaintiff to request the bailiff to remove the defendant from the property once the judgment is issued by the Magistrate. If Plaintiff has an attorney, the attorney must file for the move out. Please use one form or the other, not both.

Number of Copies Required: 1\*

Filing Fee(s): \$60.00

**MOTION FOR WRIT OF EXECUTION (LEVY) MANUFACTURED OR MOBILE HOME (TENANT OWNER) – PDF LINK:** This form is used by the plaintiff to request the bailiff to levy an abandoned mobile home, manufactured home, or recreational vehicle or to transfer the title of an abandoned mobile home, manufactured home, or recreational vehicle. *Continued on following page...*

*\*Please Note: If you want to keep a time stamped copy: prepare an additional copy and clip it to the original. Page 7 of 8*

\*\*Additional documentation needs be to filed with the Motion: certified copy of the current title, a copy of the notice served to all interested parties, and an affidavit of the value of the property from the Montgomery County Auditor.

Number of Copies Required: 1\*

Filing Fee(s): \$75.00 plus appropriate deposit

\$800.00 deposit for the sale of property

\$16.00 deposit for transfer of title only

## Rent Escrow

**RENT ESCROW APPLICATION - PDF LINK:** Tenants wishing to put their rent in escrow must complete this form. In addition to this form, the Court will need a copy of the letter listing the repairs needed, that was served to the landlord.

Number of Copies Required: 1\*

Filing Fee(s): No fee to file

**RENT ESCROW RELEASE APPLICATION FOR TENANT - PDF LINK:** For Tenants wishing to release the funds in escrow.

Number of Copies Required: 1\*

Filing Fee(s): No fee to file

**RENT ESCROW RELEASE APPLICATION FOR LANDLORD - PDF LINK:** For Landlords wishing to release the funds in escrow.

Number of Copies Required: 1\*

Filing Fee(s): No fee to file