

## **Eviction of Resident or Estate from Manufactured Home Park**

- \* Defendant must be absent for thirty (30) days prior to action. Three (3) day notice required. Filed by Plaintiff with Complaint. Issue Summons upon Filing of Complaint
  
- \* At time of eviction hearing, obtain Judgment Entry which states as follows: “authority for the Plaintiff to permit, in accordance with Section 1923.12 and Division (B) of Section 1923.13 and Division (B) of Section 1923.14 of the Revised Code, the removal from the manufactured home park and potential sale, destruction, or transfer of ownership of the Defendant’s manufactured home, mobile home, or recreational vehicle.”  
**SEE EXHIBIT #1**
  
- \* After three (3) days from date of Judgment Entry, Plaintiff must provide notice (personal or ordinary mail) to title owner that if the property is not removed within 14 days from date of delivery, that the property will be removed, destroyed or transfer of ownership.  
**SEE EXHIBIT #2**
  
- \* Plaintiff must also conduct a search of the appropriate public records to identify any persons having an outstanding right, title or interest in the home or vehicle. **IF FOUND, THE PARK OPERATOR SHALL LIST THE NAME AND LAST KNOWN ADDRESS OF EACH PERSON ON ITS REQUEST FOR THE WRIT OF EXECUTION.** Park operator/Plaintiff must certify on the request that park operator provided the written notice required by this Section.
  
- \* File a Written Request for Writ of Execution and Writ of Execution. Filing fee is \$100.00.  
**SEE EXHIBIT #3**
  
- \* After Writ of Execution issued, the Clerk of Courts must send by ordinary mail (last known address) to everyone interested (names on request for Writ of Execution) a written notice that the home may be sold, destroyed or title transferred.
  
- \* Bailiff shall post Writ of Execution on property.
  
- \* After sixty (60) days, Plaintiff may obtain Journal Entry of Judgment transferring property to Plaintiff to title company located at 1030 E Tallmadge Ave, Phone #: (330) 630-7203. **SEE EXHIBIT #4**

# EXHIBIT #1

Plaintiff	)	CASE NO.
	)	
	)	
	)	
v	)	<b>JUDGMENT ENTRY</b>
	)	
Defendant	)	
	)	DATE
	)	

This matter came on for consideration. Both parties appeared.

The court, after consideration of the evidence presented grants judgment in favor of Plaintiff and against the Defendants as for possession of the premises.

Authority for the Plaintiffs to permit, in accordance with Section 1923.12 and Division B of Section 1923.13 and Division B of Section 1923.14 of the Revised Code, the removal from the manufactured home park and potential sale, destruction or transfer of ownership of the Defendants' manufactured home, mobile home or recreational vehicle is hereby granted.

It is further ordered pursuant to Civil Rule 58(B), the Clerk of Courts shall serve upon all parties not in default for failure to appear, by ordinary mail at their last known address or if represented by an attorney of record at his designated address, notice of this judgment and shall record evidence of the same upon the journal.

\_\_\_\_\_  
Judge

cc: Plaintiff  
Defendant  
File

## EXHIBIT #2

“You are being asked to remove your mobile home from \_\_\_\_\_  
\_\_\_\_\_,  
in accordance with a Judgment of Eviction entered in Barberton Municipal Court on  
\_\_\_\_\_ against \_\_\_\_\_.

If the mobile home is not removed from the manufactured home park within fourteen (14) days from the date of delivery of this notice, the home may be sold or destroyed, or its title may be transferred to \_\_\_\_\_, pursuant to Division (b) of both Sections 1923.13 and 1923.14 of the Revised Code. If you are in doubt regarding your legal rights, it is recommended that you seek legal assistance.

### EXHIBIT #3

Plaintiff	)	CASE NO.
	)	
	)	<b>WRITTEN REQUEST FOR</b>
v	)	<b>WRIT OF EXECUTION</b>
	)	
Defendant	)	
	)	DATE
	)	

TO THE CLERK OF SAID COURT:

Issue Writ of Execution for manufactured home, mobile home or recreational vehicle in the above case.

I hereby certify that the park operator has conducted or caused to be conducted a search of the appropriate public records that relate to the manufactured home, mobile home or recreational vehicle, and has made or caused to be made reasonably diligent inquiries, for the purpose of identifying any persons who have an outstanding right, title or interest of that nature:

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Owner Name

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Owner's Full Address

I hereby certify that the park operator has provided written notice to the Defendant as required by Section 1923.12 of the Ohio Revised Code (attach a copy of said notice to this document).

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Plaintiff

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Phone number

**EXHIBIT #4**

Plaintiff	)	CASE NO.
	)	
	)	
v	)	JOURNAL ENTRY OF JUDGMENT
	)	
Defendant	)	
	)	DATE
	)	

This matter came on for hearing upon the filing of the Bailiff’s return of the Writ of Execution issued by this Court on \_\_\_\_\_. Said return indicates the mobile home described below to have a fair market value of \_\_\_\_\_ (\$\_\_\_\_\_). Pursuant to Ohio Revised Code Section 1923.14(B)(4), Plaintiff requests the title of the mobile home or vehicle be transferred to Plaintiff, free and clear of all security interests, liens and encumbrances.

The Court finds as follows:

(1) The mobile home or vehicle that is the subject of this Writ of Execution is identified by the State of Ohio, Certificate of Title No. \_\_\_\_\_, as follows:

- Identification:
- Body Type:
- Year:
- Make:
- Model:
- Odometer:
- Date Issued:
- Owner:

(2) Where applicable, the notice requirements of ORC Section 2329.13 have been satisfied. The notice requirements contained in ORC Section 1923.14(B)(1) and Section 1923.14(B)(4) have been satisfied as well;

(3) The mobile home or vehicle has been abandoned by its current owner, and there exists no outstanding right, title or interest in the vehicle;

(4) The mobile home or vehicle has been appraised and its value determined to be less than three thousand dollars (\$3,000.00); and

(5) Plaintiff has filed a written request that the mobile home or vehicle be transferred to Plaintiff rather than be destroyed.

IT IS THEREFORE ORDERED THAT:

(1) Upon presentation of this journal entry, and other appropriate documentation required by ORC Section 4505.10, the Clerk of Court, \_\_\_\_\_ County Common Pleas Court shall issue a Certificate of Title in the name of Plaintiff herein, to wit:

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(2) In accordance with ORC Section 1923.14(B)(4)(c), Plaintiff shall take title to the mobile home free of any tax obligations. If any taxes are owed on the home or vehicle at the time of transfer, \_\_\_\_\_ shall remove the delinquent taxes from the manufactured home tax list and remit any penalties for late payment or manufactured home taxes.

(3) By operation of law, acceptance of the certificate of title by the Plaintiff terminates all further proceedings in this action.

IT IS SO ORDERED.

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Judge