



# HOW TO GET YOUR SECURITY DEPOSIT BACK

What Can I Do?



A step-by-step guide for Franklin County Ohio tenants



Updated June, 2016

## Some Advice Before We Start



### ***Q: Can the landlord keep my deposit?***

There are some situations when the landlord can fairly keep part or all of your deposit, like if you still have unpaid rent or if you have caused damage to the property beyond normal wear and tear (such as broken windows or large carpet stains). Your deposit can be withheld to pay for those things.

### **When is withholding the security deposit NOT ALLOWED?**

The landlord cannot keep your deposit if you paid everything you were supposed to under the lease, and left the property in good condition: empty, cleaned up (including oven and fridge), and with no damages to the property beyond normal wear and tear.

### ***Q: I paid everything I owe and left the rental unit in good condition, how long do I have to wait for my deposit?***

After you move out your landlord has **30 days** to return your security deposit, or explain why he is keeping the deposit in a written notice. However, you must supply a forwarding mailing address so your landlord knows where to send the deposit money. If you don't provide a forwarding mailing address, the landlord does not have to return the deposit or say what it was used for.

# Q: What Can I Do To Get My Deposit Back?

## Step 1: Write a Letter Requesting the Deposit

If the landlord does not return your deposit or give you a reason for not returning your deposit, send your landlord a letter asking for it. Also include in the letter your forwarding mailing address. This does not have to be where you live, but it should be an address where you know you can receive mail.

You may have to prove that you sent this letter so **keep a photocopy of the letter** for your records. Then take the letter to the post office. Ask the postal clerk for a “**certificate of mailing**”. This costs about \$1.35, and proves you mailed the letter. When you are done, you will have a photocopy of your letter and a “certificate of mailing” showing you mailed it to your landlord. This is good proof that you gave written notice to the landlord that you requested your deposit be returned. On the next two pages are a *sample letter* and a *blank form* you can use for your letter.

**Unsure of the landlord’s name or address?** If you have a lease, the landlord’s name and address is usually near the beginning of the lease. If you are unsure of your landlord’s name or mailing address, go to the Franklin County Auditor’s website and do a search for the owner of the property by address or “map search”. Go to [www.franklincountyauditor.com](http://www.franklincountyauditor.com). Under “Your Property” along the top, go to *property search*. Click *search by address* where you will be prompted to put in the address of your rental property. Sometimes the property will not show up when you use the number and street because the owner has several units in a row. In that case, just search the street your unit is on and scroll through to find your unit number. When you find your address, it will show you the name and address of the owner of the property.



## *SAMPLE LETTER ASKING FOR YOUR DEPOSIT*

Tony Tenant  
123 Main Street, Apt. 56C  
Columbus, OH 43214

Larry Landlord  
362 Elm Street  
Columbus, OH 43218

February 25, 2014

Re: My security deposit

Dear Mr. Landlord,

I was your tenant at 1399 E. Main Street, Columbus, OH 43232, and paid a security deposit of \$600.00.

Please mail the deposit, or a written itemization of how the deposit was applied, to the following address:

Tony Tenant  
123 Main Street, Apt. 56C  
Columbus, OH 43214

Thank you for your kind attention to these matters.

Sincerely,

*Tony Tenant*

Tony Tenant

☒ I kept a photocopy of this letter for my records

☒ I sent this letter with a certificate of mailing

\_\_\_\_\_  
(tenant's name)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(tenant's current address)

\_\_\_\_\_  
(landlord's name)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(landlord's address)

Date: \_\_\_\_\_

(today's date)

Re: My security deposit

Dear \_\_\_\_\_,

(name of landlord)

I was your tenant at \_\_\_\_\_

(tenant's former address)

and paid a security deposit of \$\_\_\_\_\_.

(amount)

Please mail the deposit, or a written itemization of how the deposit was applied, to the following address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(tenant's forwarding mailing address)

Thank you for your kind attention to these matters.

Sincerely,

\_\_\_\_\_  
(tenant's signature)

☐ I kept a photocopy of this letter for my records

☐ I sent this letter with a certificate of mailing

## Step 2: File a Lawsuit in Small Claims Court



*If you have been out of the rental for more than 30 days and the owner has not responded to your letter after a few weeks, you can sue the landlord in small claims court.*

Small claims court is informal but you will need to convince a judge that you should get the deposit back. This will involve filing a complaint and then explaining what happened to a magistrate in court, and showing the magistrate your evidence (such as receipts and photos of the way you left the property). There is a **\$78 fee to file a small claims lawsuit**. The maximum amount you can sue for in small claims court is **\$3,000**. **Please note these amounts change periodically.**

Updated and extremely helpful explanatory videos and answers to Frequent Asked Questions are easily accessible on the Franklin County Small Claims Court website.

See: <http://smallclaims.fcmcclerk.com/home/general-information>

# How to File in Small Claims Court

## \* *What is a Small Claim?*

A small claim is a lawsuit involving money damages up to \$3,000. The small claims court uses a streamlined and fairly informal process for hearing cases and there is no jury. You can claim only money damages, not the return of property or the completion of services. You may not recover “punitive damages,” and you may not recover any money you paid in gathering evidence or coming to court (travel expenses, lost wages, baby-sitting, parking, etc. cannot be claimed). You may add any court fees or court costs to the amount of your claim. Currently it costs \$78.00 to file a small claims court action in Franklin County.



## Step 1: Prepare the Forms

After you have waited a reasonable time to allow your landlord to return your deposit, you need to fill out the necessary forms to file your Complaint. These instructions are for people filing in Small Claims Court. Small Claims Court is informal, but you can only ask for up to \$3,000.

You will need to prepare two forms: (1) The Complaint form and (2) a Civil Cover Sheet form. Further on in this packet are sample Complaints, and a sample Civil Cover sheet, and instructions and advice on what to put in the Complaint.

The forms, and instructions on filing them are also available online: <http://smallclaims.fcmcclerk.com/home/general-information>.

The Complaint needs to be signed in front of a notary who will notarize the Complaint. After the complaint is complete and notarized, you will need to make three copies of the Complaint.

### ***Q: Can I do all this by mail?***

A: **Yes.** You can start the process by mailing the completely filled out forms and cash, check or money order for the filing fee.

#### *Mail to:*

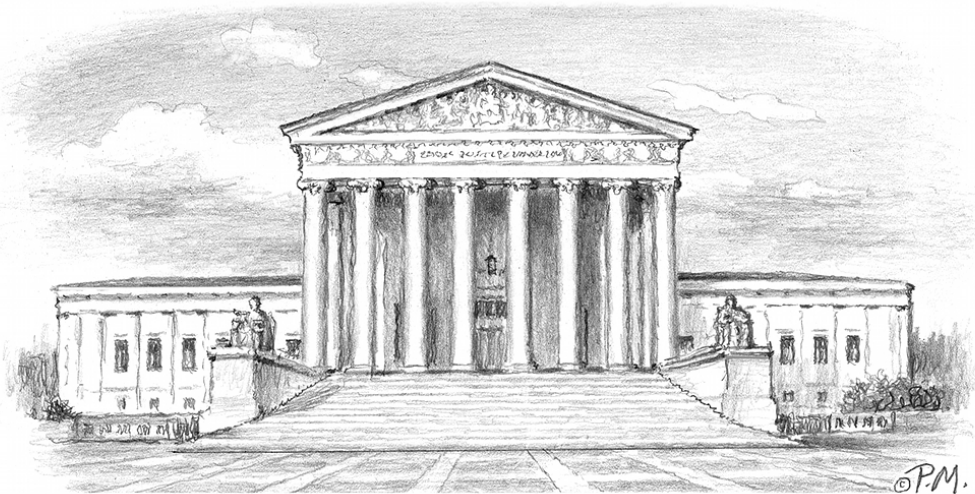
Franklin County Municipal Court  
Attn: Clerk of Court's Office  
375 South High Street  
Columbus, OH 43215

## Step 2: File forms

Take the original Complaint, the 3 copies of the Complaint , the Civil Cover Sheet, and the \$78 filing fee to the Franklin County Municipal Court Clerk of Court's Office (located on the 3rd Floor of 375 S. High Street. You will first have to pay the \$78 filing fee. The office accepts cash, checks, money orders, or credit cards (VISA or MasterCard). Checks and money orders should be made out to "Clerk of the Franklin County Municipal Court". After your fee is paid, the clerk will take the Complaint and copies. The clerk will mail a copy to the landlord. The case has begun!

## What if I Can't Pay The \$78 fee?

If you are unable to pay the filing fee because it is too much of a financial burden, it can be waived if you fill out an affidavit of indigency and a duty judge approves it. This form can be obtained at the Franklin County Small Claims Court. Once you fill it out, it must be notarized and signed by a duty judge before going into effect. It can be a bit of a hassle to get all of this done, but then you will be able to file your Complaint without pre-paying the \$78 fee.





## HELPFUL HINTS FOR YOUR COMPLAINT FORM

1. Further down in this packet you will find a Sample Complaint and a blank Complaint form.
2. The Complaint form needs to be signed in the presence of a Notary Public. So do not sign the Complaint form until you are in the presence of a Notary. The clerks at court are usually Notaries and willing to notarize documents like a Small Claims Complaint.
3. ***WHO SHOULD I LIST AS THE DEFENDANT?*** It is important that you name as a Defendant the Owner of the Building that you rented from. Sometimes the landlord is also the owner of the building, and you just name that person or company. In other situations, especially with apartment complexes, the Owner of the building hires a property manager or property management company that acts on behalf of the Owner. This property manager may be the person or company that you dealt with during the tenancy, and who you think of as your landlord. However, that person or that management company is just an agent of the Owner, and may be difficult to collect a judgment from. The owner of the building should be easier to collect from because the manager does have an asset—the building. Therefore you should write down two Defendants, BOTH (1) The property manager (or property management company) and (2) The owner of the property. For information on how to find out who the owner is, and what address to put down if the owner or manager is a business or a company, see the information on the next page.

4. **HOW DO I FIND OUT WHO OWNS THE BUILDING?** Go to the Franklin County Auditor's Website: <http://www.franklincountyauditor.com/> Choose "Your Property" and then "Property Search". You can search by address but sometimes if you put in your address, especially with an apartment building, you will get no results. In those cases choose "Map Search" and you will be shown a map of Franklin County. Zoom in on the map until you are over the building you lived in. Eventually you will see Parcel Numbers appear. Parcel ID Numbers are in purple and start with "010", like this: 010-287002. Every piece of property in Franklin County has a Parcel ID. Write down the Parcel Number for the property you rented from. Then go back to "Search" and type in the Parcel ID number for your property. Then you will get to know who the Owner is, and you can find the Owner Address.
5. **THE OWNER IS A BUSINESS. WHAT ADDRESS SHOULD I PUT DOWN ON THE COMPLAINT FORM?** When you sue a business, be it a management company or a property ownership company, you can put down the address of the business' usual place of business, or the business' statutory agent. In order to find the name and address of the business' statutory agent, you have to go to the Ohio Secretary of State website, and do a search in the "Business Filings" section. The easiest way to find the website is to go to [www.google.com](http://www.google.com) and then type in "Ohio Secretary of State business search". Click on the first result Google gives you, and you will be taken to the Ohio Secretary of State website, and be able to do a "Business Search by Name". Type in the name of the Owner of the building and click "search". You will then get a listing of businesses, and hopefully one of them will be the name you are looking for. To the left of the name of the business is a column that says "Entity Number". Click on that number and you will get "Corporation Details", including, "Agent/Registrant Information" Write down the name and address of the Agent. On the complaint form put down the name of the Owner, then on the next line write "C/O Statutory Agent" and below that put down the name and address of the statutory agent. Whew! Lots of work.
6. For more information on preparing the Complaint forms, and deciding the right address for the defendant(s) you are suing, visit the Franklin County Municipal Court Small Claims website, and review the section on "Filing a Lawsuit":

[http://smallclaims.fcmcclerk.com/home/filing-a-lawsuit#\\_How\\_do\\_I\\_file](http://smallclaims.fcmcclerk.com/home/filing-a-lawsuit#_How_do_I_file)

# SAMPLE COMPLAINT (Landlord is Owner)

## FRANKLIN COUNTY MUNICIPAL COURT SMALL CLAIMS DIVISION

Case No. \_\_\_\_\_ CV I \_\_\_\_\_

Plaintiff(s)

Defendant(s)

Tony Tenant  
Name

v.

Larry Landlord  
Name

123 Main St. Apt. 56C Columbus, OH  
Address and ZIP Code  
(614) 123-4567 43214  
Telephone

342 Elm St. Columbus, OH 43218  
Address and ZIP Code  
(614) 987-6543  
Telephone

(1) Has this dispute been to mediation? ☐ Yes ☐ No

(2) To the best of Plaintiff's knowledge, is Defendant currently in the military service of the United States? ☐ Yes ☐ No

(3) The summons (notice to the defendant of the lawsuit) and complaint in this case will be sent by certified mail. If the certified mail is returned by the Post Office marked "Refused" or "Unclaimed", you can waive notice of the failed service, and request ordinary mail service and a new trial date. Do you want to waive notice of failed service? ☒ Yes ☐ No

### COMPLAINT

I paid a security deposit of \$650 on 2/1/15.

I vacated the residence on 3/1/15 and provided a forwarding address to the landlord on that date.

My deposit has not been returned.

I am asking for twice the amount of the deposit:

1. The amount of the deposit (\$650)

2. The amount wrongfully withheld (\$650)

Total = \$1300

Please use an additional page if necessary.

Plaintiff demands judgment against defendant in the sum of \$ 1300, plus court costs, and interest.

STATE OF OHIO  
COUNTY OF FRANKLIN}

### AFFIDAVIT OF COMPLAINANT'S CLAIM

\_\_\_\_\_, being duly sworn, say on oath that (s)he is the (check one) ☒ plaintiff ☐ the attorney for the plaintiff ☐ the officer or salaried employee of the plaintiff corporation in this case. Further, this complaint is for the payment of money only. The nature of the plaintiff's claim is as stated above.

Sworn and subscribed before me this  
\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_

Signature:

Plaintiff, Plaintiff's attorney, or Plaintiff's officer or salaried employee.

\*Do not sign until instructed by Deputy Clerk or Notary Public.

Telephone: (614) 123-4567

Attorney Registration #: \_\_\_\_\_

☐ Deputy Clerk ☐ Notary Public

Sample When Landlord and Owner are different, suing both, and both are businesses.

FRANKLIN COUNTY MUNICIPAL COURT  
SMALL CLAIMS DIVISION

Case No. \_\_\_\_\_ CV I \_\_\_\_\_

Plaintiff(s)

Defendant(s)

TONY TENANT

v. ①

ABC PROPERTY MANAGEMENT, LLC

Name

Name C/O STATUTORY AGENT

123 MAIN ST. APT 56C, Columbus OH

JOE SCHMIDT

Address and ZIP Code

43214

729 OAK ST, CLEVELAND OH 44103

(614) 123-4567

Address and ZIP Code

AND

Telephone

Telephone

BIG DEAL PROPERTY OWNER, LLC

②

C/O STATUTORY AGENT

NATIONAL REGISTERED AGENTS, INC

1450 E. FIFTH ST, CLEVELAND OH 44111

(1) Has this dispute been to mediation? [ ] Yes [X] No

(2) To the best of Plaintiff's knowledge, is Defendant currently in the military service of the United States? [ ] Yes [X] No

(3) The summons (notice to the defendant of the lawsuit) and complaint in this case will be sent by certified mail. If the certified mail is returned by the Post Office marked "Refused" or "Unclaimed", you can waive notice of the failed service; and request ordinary mail service and a new trial date. Do you want to waive notice of failed service? [X] Yes [ ] No

COMPLAINT

I paid a security deposit of \$500 on 2/1/15

I vacated the residence on 8/31/15 and provided a forwarding mailing address to the landlord on that date. I did no damage beyond normal wear and tear.

My deposit has not been returned.

I am asking for twice the amount of the deposit:

1. The amount of the deposit (\$500)

2. The amount wrongfully withheld (\$500)

total 3. Costs of this action (\$78)

TOTAL \$1078

Please use an additional page if necessary.

Plaintiff demands judgment against defendant in the sum of \$ 1,078, plus court costs, and interest.

STATE OF OHIO  
COUNTY OF FRANKLIN

AFFIDAVIT OF COMPLAINANT'S CLAIM

(Don't complete until you are with a notary)

\_\_\_\_\_, being duly sworn, say on oath that (s)he is the (check one) [ ] plaintiff [ ] the attorney for the plaintiff [ ] the officer or salaried employee of the plaintiff corporation in this case. Further, this complaint is for the payment of money only. The nature of the plaintiff's claim is as stated above.

Sworn and subscribed before me this

\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_

Signature:

Plaintiff, Plaintiff's attorney, or Plaintiff's officer or salaried employee.

\*Do not sign until instructed by Deputy Clerk or Notary Public.

Telephone:

Attorney Registration #:

[ ] Deputy Clerk [ ] Notary Public

**FRANKLIN COUNTY MUNICIPAL COURT  
SMALL CLAIMS DIVISION**

Case No. \_\_\_\_\_ CV I \_\_\_\_\_

Plaintiff(s)

Defendant(s)

v.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address and ZIP Code

\_\_\_\_\_  
Address and ZIP Code

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Telephone

*(1) Has this dispute been to mediation? [ ] Yes [ ] No*

*(2) To the best of Plaintiff's knowledge, is Defendant currently in the military service of the United States? [ ] Yes [ ] No*

*(3) The summons (notice to the defendant of the lawsuit) and complaint in this case will be sent by certified mail. If the certified mail is returned by the Post Office marked "Refused" or "Unclaimed", you can waive notice of the failed service; and request ordinary mail service and a new trial date. Do you want to waive notice of failed service? [ ] Yes [ ] No*

**COMPLAINT**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Please use an additional page if necessary.*

Plaintiff demands judgment against defendant in the sum of \$ \_\_\_\_\_, plus court costs, and interest.

STATE OF OHIO}  
COUNTY OF FRANKLIN}

**AFFIDAVIT OF COMPLAINANT'S CLAIM**

\_\_\_\_\_, being duly sworn, say on oath that (s)he is the (check one) [ ] plaintiff [ ] the attorney for the plaintiff [ ] the officer or salaried employee of the plaintiff corporation in this case. Further, this complaint is for the payment of money only. The nature of the plaintiff's claim is as stated above.

Sworn and subscribed before me this  
\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_

Signature: \_\_\_\_\_

Plaintiff, Plaintiff's attorney, or Plaintiff's officer or salaried employee.

\*Do not sign until instructed by Deputy Clerk or Notary Public.

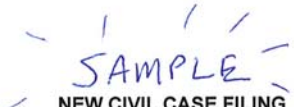
Telephone: \_\_\_\_\_

Attorney Registration #: \_\_\_\_\_

[ ] Deputy Clerk [ ] Notary Public

# THE CLERK OF COURT'S CIVIL COVER SHEET

The Clerk of Court's Civil Cover Sheet form lets the court know that you are filing a case. Below is a sample filled out sheet for a security deposit case. On the next page is a blank sheet which you can fill out.

  
**NEW CIVIL CASE FILING**  
**LORI M TYACK, CLERK**  
**FRANKLIN COUNTY MUNICIPAL COURT**  
**THIS COVER SHEET MUST BE COMPLETED FOR ALL NEW CASE FILINGS**  
**(Please check all that apply)**

**CASE TYPE**

<input type="checkbox"/>	"E"	Personal Injury/Property Damage	\$123.00
<input type="checkbox"/>	"F"	Contracts/Notes/Accounts	\$123.00
<input type="checkbox"/>	"F"	Cognovit	\$123.00
<input type="checkbox"/>	"H"	12 Point / FRA Non-Compliance Petitions	\$123.00
<input type="checkbox"/>	"H"	BMV Reinstatement Plan	\$ 20.00
<input type="checkbox"/>	"H"	Certificate of Judgment	\$ 84.00
<input type="checkbox"/>	"H"	Declaratory Judgment	\$123.00
<input checked="" type="checkbox"/>	"I"	Small Claims	\$ 78.00
<input type="checkbox"/>	"N"	Photo Red Light Appeal	\$123.00
<input type="checkbox"/>	"P"	Parking Violations Bureau Petition	\$123.00
<input type="checkbox"/>	"CV "	Change of Venue	\$ 97.00
<input type="checkbox"/>	"EV "	Civil Environmental	\$123.00

NOTE: THE ABOVE FILING FEES INCLUDE SERVICE FOR UP TO 3 DEFENDANTS AND/OR ADDRESSES ISSUING ONE (1) TYPE OF SERVICE. ADDITIONAL DEFENDANTS AND/OR ADDRESSES, AND/OR MORE THAN (1) TYPE OF SERVICE REQUESTED WILL BE CHARGED ADDITIONAL SERVICE FEES BASED ON THE CURRENT COURT FEE SCHEDULE.

**Service Type:**

<input checked="" type="checkbox"/>	Certified Mail	
<input type="checkbox"/>	Bailiff Service (Instructions must be filled out)	
<input type="checkbox"/>	Process Server Appointment	\$3.00
<input type="checkbox"/>	Other (Instructions must be filled out)	
<input checked="" type="checkbox"/>	Waiver of Notification of Failure (Form CV-81 MUST be completed)	

**CASE TYPE**

<input type="checkbox"/>	"G"	F.E.D. 1 Cause of Action (EVICTION ONLY)	\$133.00
<input type="checkbox"/>	"G"	F.E.D. 2 Causes of Action (EVICTION WITH MONEY)	\$133.00

NOTE: THE ABOVE FILING FEES INCLUDE ORDINARY MAIL SERVICE PLUS ONE OF THE CHOICES BELOW FOR UP TO 3 DEFENDANTS AND/OR ADDRESSES. REQUESTS FOR ADDITIONAL DEFENDANTS AND/OR ADDRESSES WILL BE CHARGED ADDITIONAL SERVICE FEES BASED ON THE CURRENT COURT FEE SCHEDULE.

**ORDINARY MAIL SERVICE +**

<input type="checkbox"/>	Bailiff Service (Instructions must be filled out)	\$133.00
<input type="checkbox"/>	Certified Mail (Must be signed for to perfect service)	\$133.00
<input type="checkbox"/>	Process Server Appointment	\$136.00

Signature of filing Party: Jony Tenant

Phone Number (optional): (614) 555-1212

Provision of phone number may assist the court if problems are encountered

**Refiling Information**

If this is a REFILING of a previously dismissed case, please complete the following information:

Previous Case No. \_\_\_\_\_ Original Judge \_\_\_\_\_

PLEASE PRESENT COMPLETED FORM WITH ORIGINAL & SERVICE COPIES TO CASHIER. MAKE CHECKS OR MONEY ORDERS PAYABLE TO "FRANKLIN COUNTY MUNICIPAL COURT" Rev 8/14

**NEW CIVIL CASE FILING**  
**LORI M TYACK, CLERK**  
**FRANKLIN COUNTY MUNICIPAL COURT**  
**THIS COVER SHEET MUST BE COMPLETED FOR ALL NEW CASE FILINGS**  
**(Please check all that apply)**

**CASE TYPE**

_____	"E"	Personal Injury/Property Damage	\$123.00
_____	"F"	Contracts/Notes/Accounts	\$123.00
_____	"F"	Cognovit	\$123.00
_____	"H"	12 Point / FRA Non-Compliance Petitions	\$123.00
_____	"H"	BMV Reinstatement Plan	\$ 20.00
_____	"H"	Certificate of Judgment	\$ 84.00
_____	"H"	Declaratory Judgment	\$123.00
_____	"I"	Small Claims	\$ 78.00
_____	"N"	Photo Red Light Appeal	\$123.00
_____	"P"	Parking Violations Bureau Petition	\$123.00
_____	"CV_"	Change of Venue	\$ 97.00
_____	"EV_"	Civil Environmental	\$123.00

NOTE: THE ABOVE FILING FEES INCLUDE SERVICE FOR UP TO 3 DEFENDANTS AND/OR ADDRESSES ISSUING ONE (1) TYPE OF SERVICE. ADDITIONAL DEFENDANTS AND/OR ADDRESSES, AND/OR MORE THAN (1) TYPE OF SERVICE REQUESTED WILL BE CHARGED ADDITIONAL SERVICE FEES BASED ON THE CURRENT COURT FEE SCHEDULE.

**Service Type:**

_____	Certified Mail	
_____	Bailiff Service (Instructions must be filled out)	
_____	Process Server Appointment	\$3.00
_____	Other (Instructions must be filled out)	
_____	Waiver of Notification of Failure (Form CV-81 MUST be completed)	

**CASE TYPE**

_____	"G"	F.E.D. 1 Cause of Action (EVICTION ONLY)	\$133.00
_____	"G"	F.E.D. 2 Causes of Action (EVICTION WITH MONEY)	\$133.00

NOTE: THE ABOVE FILING FEES INCLUDE ORDINARY MAIL SERVICE PLUS ONE OF THE CHOICES BELOW FOR UP TO 3 DEFENDANTS AND/OR ADDRESSES. REQUESTS FOR ADDITIONAL DEFENDANTS AND/OR ADDRESSES WILL BE CHARGED ADDITIONAL SERVICE FEES BASED ON THE CURRENT COURT FEE SCHEDULE.

**ORDINARY MAIL SERVICE +**

_____	Bailiff Service (Instructions must be filled out)	\$133.00
_____	Certified Mail (Must be signed for to perfect service)	\$133.00
_____	Process Server Appointment	\$136.00

Signature of filing Party: \_\_\_\_\_

Phone Number (optional): \_\_\_\_\_

Provision of phone number may assist the court if problems are encountered

**Refiling Information**

If this is a REFILING of a previously dismissed case, please complete the following information:

Previous Case No. \_\_\_\_\_ Original Judge \_\_\_\_\_

PLEASE PRESENT COMPLETED FORM WITH ORIGINAL & SERVICE COPIES TO CASHIER. MAKE CHECKS OR MONEY ORDERS PAYABLE TO "FRANKLIN COUNTY MUNICIPAL COURT"

Rev 8/14



### Step 3: Preparing for court

**Plan** how you will tell your story ahead of time.

Write a checklist of things you want to say so you will remember everything and have a better chance of winning. It also helps to list the pieces of evidence you will show next to points you want to make so that you remember to show the proof supporting your statements.

**Gather the evidence** that you will bring to court—this includes 1) your lease (if any), 2) a receipt for your security deposit if you have one, 3) a copy of your notice to the landlord with your new address. Other items you should bring if you have them include: photos or videos of how you left the residence, rent payment receipts, notes you have made to record calls or other events, notices you have received from the landlord, the walk through sheet where you and the landlord listed any damages you were to pay (or other evidence of the property's condition when you moved out), and anything else that will help you prove that you did everything you were supposed to do.

For each piece of evidence you should bring a **copy of the document for your records, and a copy for each person participating in the case** (the landlord, the magistrate, any witnesses, and yourself). The court will keep any documents that are accepted as evidence. You should also bring the original documents just in case you need them.

**Contact any witnesses** to be sure they know when and where the hearing will be held.

Their testimony is a part of your evidence. Also, make sure they bring any written notes, pictures, etc. that they have. Your witnesses should only be people who have first-hand knowledge of the situation, such as someone who witnessed the lack of damage in your apartment. Quotes from people who are not present during the trial will not count as evidence. When you call the witness ask, for example, “Did you see the condition of the apartment when I moved out? Tell the court what the condition was.”



# ON THE COURT DATE

**Dress appropriately and be polite.** Looking nice will make you feel more confident and will lend you credibility. Try to avoid jeans, cutoffs, shorts, and athletic wear. Call the judge “your honor” and call the opposing party “sir” or “ma’am”. When the judge or landlord is speaking do not interrupt. In court one person is allowed to speak at a time.

**Arrive early.** Be in the courtroom when your case is called. If you are not there, the court will probably dismiss the case. If the other side is not there, you can ask the court to enter a default judgment against them which means that you could automatically win your lawsuit.



© PrintActivities.com

**Bring your evidence.** If you bring a document to offer as evidence you should bring (1) the original, (2) a copy for each party in the case, and (3) a copy for your own records.

**Present your evidence.** Generally, you (the plaintiff) will present first. This is the time to show evidence that supports your complaint, including showing proof you paid the deposit, proof that you gave the landlord a forwarding mailing address, and proof of the way the rental unit looked when you moved out. Present any receipts or photographs to the magistrate and give copies to the other party. Also if you have witnesses to how the rental unit looked when you vacated, ask them to testify about that.

Tell the magistrate that you are asking for 1) your security deposit and 2) damages in the amount of money wrongfully withheld. This is according to Ohio Revised Code section 5321.16.

After you present your evidence, the magistrate or the landlord can ask you and your witnesses questions. In small claims court the judge usually asks most of the questions. The judge will then want to hear the landlord’s side of the story. If the landlord says money was withheld for unpaid rent or other charges, show the magistrate proof that you made those payments, if you did. If the landlord withheld money for routine carpet cleaning or cleaning, or for damages you did not cause, remind the judge that the landlord can only keep money for damages beyond normal wear and tear. Tell the judge that you did not cause any damage beyond normal wear and tear.

## Collecting Your Judgment

If you win your case, the landlord may or may not decide to pay you. The first step to get your payment is to write the landlord a letter asking for the money the magistrate ordered be paid to you. You should include the total amount due, including court costs and interest. If you are willing to work out a payment plan or some other form of payment (such as services or goods), be sure to mention that as well. Ask the landlord to respond to your letter promptly. The landlord has 15 days to pay the judgment voluntarily.

### Other Information to Consider

Unfortunately, if the landlord doesn't voluntarily pay you, it can be difficult to collect your money. If your landlord refuses to pay or ignores you, then you may use a variety of procedures to collect your money. Each method involves more paperwork, and most of them involve filing fees as well. This is simply an overview of two available options. For more methods and specific information seek the advice of an attorney or visit <http://smallclaims.fcmcclerk.com/home/court-forms/collecting-a-judgment-in-small-claims-court>

#### Option 1: Bank Account Attachment

- This targets money that the landlord has in a checking or savings account. If you know that the landlord has one of these accounts, you can ask the court to use that money to pay you. To do this, you need to get the landlord's banking information, including the name and address of the bank and the landlord's account number.

#### Option 2: Judgment Lien on Real Estate

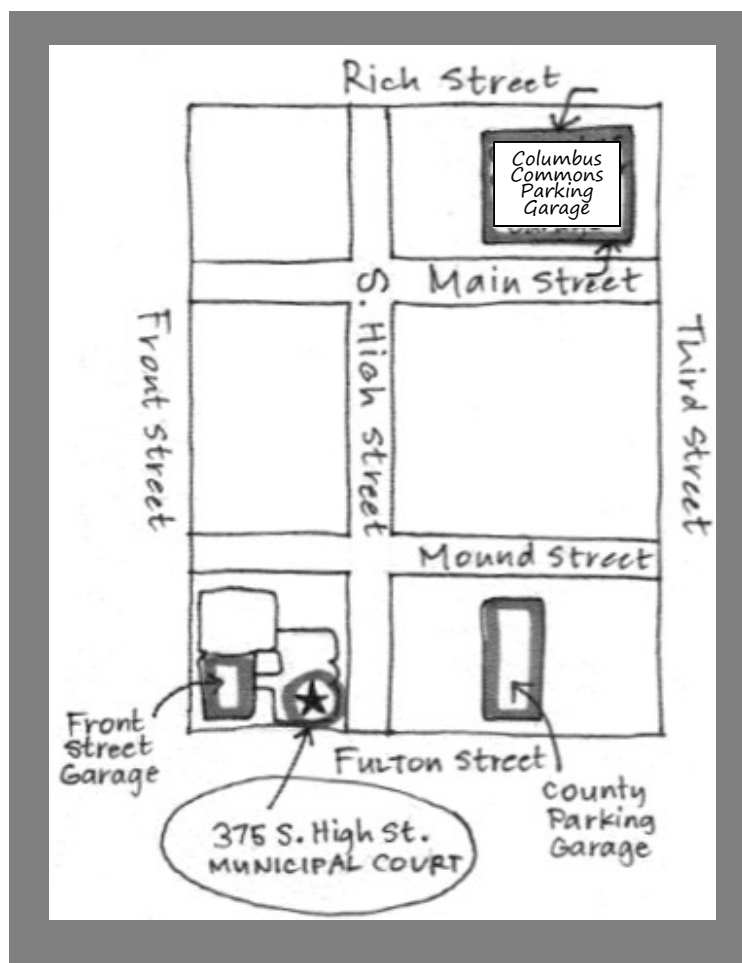
- If you get a judgment lien on the landlord's owned real estate, you would get an interest in the property. If the real estate goes into foreclosure, is refinanced, or is sold, then you would be able to collect the cash value of your judgment.

### **Objecting**

- If the magistrate does not rule in your favor, and you want to continue fighting for your security deposit, you can file an objection to try and get the decision changed. You have 14 days to file an objection after the magistrate files his or her decision. If you file an objection within this period, then your landlord can file an objection within ten days of your objection, and vice versa.
- There are instructions and forms for filing an objection on the small claims website:

<http://smallclaims.fcmcclerk.com/home/court-forms/objection-to-magistrate-s-decision>

## Directions: Franklin County Municipal Court



Franklin County Municipal Court is located at **375 S. High Street in Columbus**. The three closest parking locations are the Front Street Garage, the County Parking Garage, and the Columbus Commons Parking Garage.

The County Parking Garage has entrances on Fulton Street and on Mound Street. Once you park take the parking garage elevator to the top floor. There you will find an above-ground walkway that will take you into the Municipal Court building.

From there take elevators up to the 16th floor where Small Claims court is located. You made it!

# Helpful Contacts

**Franklin County Auditor's Website** (to help find landlord/owner name and address)  
("Search" menu allows you to search by address, map search, and more.)

Website: <http://www.franklincountyoh.metacama.com/altIndex.jsp>

**Ohio Secretary of State Business Search Website** (to help find the name and address of a company's statutory agent)

Website: <http://www2.sos.state.oh.us/pls/bsqry/f?p=100:1:0:::::>

Note: It may be easier to find the website by going to Google and searching for "Ohio Secretary of State Business Search"

**Franklin County Municipal Court, Small Claims Division** (where you go to court)

375 S. High Street, 16th Floor

Columbus, OH 43215

Phone: 614-645-7381

Fax: 614-645-8465

Website: <http://smallclaims.fcmcclerk.com/home>

**Franklin County Municipal Court Clerk of Courts** (where you file the Complaint)

375 S. High Street, 3rd Floor

Columbus, OH 43215

Hours: M-F 8:00 AM—4:30 PM

Phone 614-645-8006

**The Legal Aid Society of Columbus** (free legal assistance for eligible persons)

1108 City Park Ave.

Columbus, OH 43206

Phone: 614-241-2001 or 1-888-246-4420

Fax: 614-224-4514

The Legal Aid Society of Columbus does not discriminate against any person on the basis of race, color, national origin, disability, or age in admission, treatment, or participation in its programs, services and activities, or in employment.

