



Ohio Revised Code Section 1923.13 Writ of execution.

Effective: September 29, 2017

Legislation: House Bill 49 - 132nd General Assembly

(A) When a judgment of restitution is entered by a court in an action under this chapter, unless the plaintiff or the plaintiff's agent or attorney proceeds under division (B) of this section, at the request of the plaintiff or the plaintiff's agent or attorney, that court shall issue a writ of execution on the judgment, in the following form, as near as practicable:

"The state of Ohio, _____ county: To any constable or police officer of _____ township, city, or village; or To the sheriff of _____ county; or To any authorized bailiff of the _____ (name of court):

Whereas, in a certain action for the forcible entry and detention (or the forcible detention, as the case may be), of the following described premises, to wit: _____, lately tried before this court, wherein _____ was plaintiff, and _____ was defendant, _____ judgment was rendered on the _____ day of _____, _____, that the plaintiff have restitution of those premises; and also that the plaintiff recover costs in the sum of _____ You therefore are hereby commanded to cause the defendant to be forthwith removed from those premises, and the plaintiff to have restitution of them; also, that you levy of the goods and chattels of the defendant, and make the costs previously mentioned and all accruing costs, and of this writ make legal service and due return.

Witness my hand, this _____ day of _____, _____ Judge, _____ (Name of court)"

(B) When a judgment of restitution is entered by a court in any action under this chapter against a manufactured home park resident or the estate of a manufactured home park resident, at the request of the plaintiff or the plaintiff's agent or attorney, that court shall issue a writ of execution on the judgment, in the following form, as near as practicable:



"The state of Ohio, _____ county; To any constable or police officer of _____ township, city, or village; or To the sheriff of _____ county; or To any authorized bailiff of the _____ (name of court):

Whereas, in a certain action for eviction of a resident or a resident's estate from the following described residential premises of a manufactured home park on which the following described manufactured home, mobile home, or recreational vehicle is located, to wit: _____, lately tried before this court, wherein _____ was plaintiff, and _____ was defendant, _____ judgment was rendered on the _____ day of _____, _____, that the plaintiff have restitution of the premises and also that the plaintiff recover costs in the sum of _____. You therefore are hereby authorized to cause the defendant to be removed and set out from the residential premises, if the defendant holds over on the premises subsequent to an eviction judgment against the defendant. In accordance with division (A) of section 1923.12 of the Revised Code, three days after the eviction judgment, the plaintiff is hereby commanded to post a fourteen-day notice to the defendant to sell or remove the manufactured home, mobile home, or recreational vehicle from the premises, at the defendant's costs. If the manufactured home, mobile home, or recreational vehicle is not sold or removed by the defendant at the expiration of the fourteen-day notice, it is hereby ordered that the defendant forfeits the right to the manufactured home, mobile home, or recreational vehicle and the plaintiff is hereby authorized to exercise the rights set forth herein. Also, you are to levy of the goods and chattels of the defendant, and make the costs previously mentioned and all accruing costs, and of this writ make legal service and due return.

Further, you are authorized to cause the manufactured home, mobile home, or recreational vehicle, and all personal property on the residential premises, to be retained at their current location on the residential premises, until they are disposed of in a manner authorized by this writ or the law of this state.

If the manufactured home, mobile home, or recreational vehicle has been abandoned by the defendant, the park operator is hereby commanded to submit a notarized affidavit to the county auditor of the county where the park is located listing the titled owner, address, serial number, and the value of the manufactured home, mobile home, or recreational vehicle. Within fifteen days after receipt of the affidavit, the county auditor is hereby commanded to confirm whether the county auditor agrees or disagrees with the stated value on the affidavit. Either of the following shall apply:



(1) If the county auditor agrees with the stated value on the affidavit, the county auditor is hereby commanded to sign the original affidavit attesting to the agreement of the value of the manufactured home, mobile home, or recreational vehicle and return the original affidavit to the park operator within fifteen days after receipt of the affidavit from the park operator.

(2) If the county auditor disagrees with the stated value on the affidavit, the county auditor is hereby commanded to notify the park operator of the disagreement within fifteen days after receipt of the affidavit. The park operator is hereby authorized to submit additional materials in support of the stated value on the affidavit consistent with industry valuation standards within ten days after receipt of the notice of the disagreement. If the park operator submits additional materials in support of the stated value on the affidavit, then after reviewing the additional materials submitted, either of the following shall apply:

(a) If the county auditor agrees with the stated value on the affidavit, the county auditor is hereby commanded to sign the original affidavit attesting to the agreement of the value of the manufactured home, mobile home, or recreational vehicle and return the original affidavit to the park operator within ten days after receipt of the additional materials.

(b) If the county auditor continues to disagree with the stated value on the affidavit, the county auditor is hereby commanded to notify the park operator of the continued disagreement within ten days of receipt of the additional material and return the original affidavit to the park operator. The park operator is hereby authorized to appeal to this court for a ruling on the disagreement pursuant to court rule.

The park operator is hereby commanded to submit to this court the affidavit signed by the county auditor stating the value of the manufactured home, mobile home, or recreational vehicle, which shall be deemed to be the park operator's sworn testimony. If the park operator knowingly falsifies information on the affidavit the park operator shall be guilty of falsification under divisions (A)(1), (3), and (6) of section 2921.13 of the Revised Code.

If the manufactured home, mobile home, or recreational vehicle has been so abandoned and has a value of more than three thousand dollars, and the requirements of section 1923.12 of the Revised



Code have been satisfied, you are hereby authorized to cause the sale of the home or vehicle and personal property in the home or vehicle in accordance with division (B)(3) of section 1923.14 of the Revised Code. If you are unable to sell the manufactured home, mobile home, or recreational vehicle due to a want of bidders, after it is offered for sale on two occasions, you are hereby commanded to cause the presentation of this writ to a clerk of the court of common pleas title division for the issuance of a certificate of title transferring the title of the home or vehicle to the plaintiff, free and clear of all security interests, liens, and encumbrances, in accordance with division (B)(3) of section 1923.14 of the Revised Code.

If the manufactured home, mobile home, or recreational vehicle has been so abandoned and has a value of three thousand dollars or less and if the requirements of section 1923.12 of the Revised Code have been satisfied, you are hereby authorized to cause the presentation of this writ to a clerk of the court of common pleas title division for the issuance of a certificate of title transferring the title of the home or vehicle to the plaintiff, free and clear of all security interests, liens, and encumbrances in accordance with division (B)(4) of section 1923.14 of the Revised Code.

Upon this writ's presentation by the levying officer to a clerk of the court of common pleas title division under the circumstances described in either of the two preceding paragraphs and in accordance with division (B)(3) or (4) of section 1923.14 of the Revised Code, as applicable, the clerk is hereby commanded to issue a certificate of title transferring the title of the manufactured home, mobile home, or recreational vehicle to the plaintiff, free and clear of all security interests, liens, and encumbrances, in the manner prescribed in section 4505.10 of the Revised Code.

Witness my hand, this _____ day of _____, _____, _____ Judge,
_____ (Name of court)."