



FRANKLIN COUNTY MUNICIPAL COURT

375 SOUTH HIGH STREET, 18TH FLOOR
COLUMBUS, OH 43215-4520
(614) 645-7780



Post Judgement: Plaintiffs' Required procedures for evictions/Set-Out

When a Plaintiff files for a Writ of Restitution (red tag), they should be aware that it may take from 2-4 business days for the Bailiff's Office to receive the paperwork. However, the Plaintiff should wait 2-4 (2-4) calendar days after filing for the Writ of Restitution, then call the Service Bailiff office at (614) 645-7780, 7:00 AM – 3:30 PM, to determine which Bailiff Officer their case has been assigned to. The Service Bailiffs Office will inform them of the date their door was tagged and when their five (5) days have expired from the date of tagging. The Plaintiff will be instructed when to call back to schedule the set-out date. **If the Plaintiff has not paid their "set-out fee", before they call to schedule their set-out, they will need to make arrangements with the Clerk of Courts to pay their set-out fee before being able to schedule with their Bailiff Officer. Provided that all fees have been paid, the Plaintiff may then call their assigned Bailiff Officer to schedule their set-out. When scheduling, the Plaintiff will need to provide the contact's name and phone number of the person who will be at the eviction/set-out and will oversee the workers. At that time, the plaintiff will be given the day and date that the set-out will take place. On the morning of the set-out, the Plaintiff's contact will then check the property for occupancy and the amount of personal effects left to be set out, if any, and then contact the assigned Bailiff Officer prior to 9:30am, to cancel or confirm and inform the Bailiff Officer if the Plaintiff is going to "declare trash".** Once confirmed, the assigned Bailiff Officer will assign a time for the set-out to take place. If there is a schedule availability issue, the assigned Bailiff Officer will call back to confirm any adjustments to the set-out time or date.

Should the plaintiff fail to call to confirm on the morning of the scheduled set-out prior to 9:30am, then the set-out will be cancelled and the Bailiff Officer will replace the slot with another set-out. If the plaintiff then decides after the fact that they still need a set-out, then they may be required to file for a supplemental writ in order to reschedule.

Plaintiffs need to have a sufficient number of working persons/adults, not counting themselves, necessary to complete the job within the 90-minute allotted time. Should the Bailiff Officer determine that the Plaintiff has insufficient personnel and/or resources, bags, boxes, etc., to complete the eviction process, the Bailiff Officer will notify their supervisor for further instruction. Only the Bailiff Officer's supervisor can order the cancellation of a set-out. If the set-out is canceled, the Plaintiff shall be instructed to contact the Bailiff Officers' office the following morning. Once they have ensured that they have the proper amount of personnel and/or resources needed to complete the set-out, the assigned Bailiff Officer will give the Plaintiff a new time, and date, if necessary, for the set-out to proceed.

On the day of the Set-Out, no person or persons other than the defendants shall enter the property to remove any items, before the Bailiff Officers' arrival.

If it is suspected that animals are remaining within the property, the Plaintiff will notify the Bailiff Officer, so that proper arrangements can be made with the appropriate agencies responsible for the removal of the animals.

Plaintiff/Landlord must be prepared on the day of the set-out. Bailiff Officers' are onsite to supervise the set-out process and peaceful restoration of the premises.

Bailiff Officers' are NOT Bailees.

GENERAL NOTES:

- Bailiff Officers are provided for the express purposes of supervising a set-out, maintaining the peace, and ensuring that the premises is restored to the Plaintiff once the set-out is completed.
- To facilitate a neat and orderly set-out with minimum disruptions and unsightly blight to the neighborhoods, landlords are to have the following items:
 - Enough boxes (and tape to seal up bottoms) for all dishes and breakables along with heavy-duty contractor clean-up bags to accommodate the defendant's property.
 - If bad weather is predicted, enough plastic sheeting or tarps to cover the ground and cover all of the property that is removed and set out;
 - Tools to disassemble items, disconnect appliances, or remove refrigerator doors if these items are to be set out;
 - Flashlight and lightbulbs for light fixtures to inspect property (basement must be well-lit);
 - Appliance dolly for heavy appliances (washer, dryer, refrigerators, etc.);
 - Waterbed pump or hose available to drain water bed;
 - Any other item that would be needed to accomplish the set-out.
- Bailiff Officers' are not bailees and accordingly shall not take possession of any items from a set-out.
- Once the Bailiff Officer has arrived, the set-out crew will be instructed to check the property for weapons or dangerous ordinance (e.g., Swords, Knives, Firearms, Crossbows, etc.). Should the set-out crew find any items such as these, they are to bring them to the attention of the Bailiff Officer and shall place these in a corner of the room and be left untouched.
 - **FIREARMS – In the case of any type of firearm being discovered, the Bailiff Officer shall notify the local Police for assistance. If possible, the preferred course of action would be not to handle the Firearm, but rather leave it for the responding Police Officer.**
 - All other types of ordinances are to be left secured in the property for the property manager/owner to take care of or dispose of after proper attempts have been made to have said items returned to the rightful owner.
- All personal property items including shoes, socks, caps, personal papers, etc. must be removed from the premises with the following exceptions:
 - Hazardous materials/chemicals
 - Fireworks
 - Prescription medications
 - Medical Equipment – wheelchairs, walkers, breathing machines, etc.
 - Any other item that an ordinary person would deem dangerous if placed in an area with unfettered access by the general public.

- These items shall remain in a centralized location inside the premises and proper authorities notified.
- Only the Plaintiff or Defendant can declare items trash. Under no circumstance shall the Bailiff Officer make a declaration of trash.
- All property should be set outside the locked property in such a way for the Defendant(s) to have unfettered/unrestricted access to their belongings. Sidewalks and/or right of way cannot be blocked. Property cannot be set in the street.
- Should bed bugs be present in the premises and confirmed by the Bailiff Officer, the Bailiff Officer shall inform the Plaintiff and locks are to be changed and the set-out will be ended. (Local rule 6.08)
- The Bailiff Officer will make annotations on the bottom of the Writ of Restitution, including the date and time, of the presence of Bed Bugs and that the locks have been changed. Should Defendant be present, Plaintiff is not to change locks and instead, is to grant a reasonable time frame for Defendant to retrieve their personal belongings. Example: "The Defendant has been informed of the presence of Bed Bugs and has until 4:00 PM to remove items they wish to keep. After 4:00 PM, the Plaintiff shall be allowed to change the locks and deem the remaining contents trash." This statement shall be added to the bottom of the Writ of Restitution by the Bailiff Officer and signed by ALL parties indicating acknowledgment.
- Items may not be placed next to a dumpster unless Plaintiff has declared the items trash. Should the Plaintiff wish to declare the property to be trashed, the Bailiff Officer will prepare a statement at the bottom of the Writ of Restitution stating that the Plaintiff has declared items trash. The Bailiff Officer will then have the Plaintiff or Representative sign and print their name and title next to the said statement.
- All food is considered to be trash and will be bagged up immediately and placed in the nearest dumpster.
- Drug paraphernalia shall be declared as trash, destroyed, and placed in the nearest dumpster.
- Small amounts of illicit drugs shall be disposed of on the premises. If larger quantities of illicit drugs are located on the premises, the Bailiff Officer shall contact the appropriate law enforcement agency.
- The Bailiff Officer will allow the Plaintiff and Defendant to conduct a walk-through and inspect all closets, cabinets, drawers, etc. After the walk-through has been completed, the Bailiff Officer will sign off on the set-out as being completed, noting the time and date on both copies of the Writ of Restitution. The Bailiff Officer will give the Plaintiff a copy of the front page of the Writ of Restitution stating the set-out is complete with the date and time clearly visible.
- At that time, the Plaintiff may have the locks changed.
- The Defendant's property shall remain outside for 48 hours after completion of the set-out for the Defendant to have the opportunity to remove their items. The Plaintiff shall have the right to dispose of any items that remain after the 48 hours.
- The Plaintiff is NOT responsible for any of Defendant's property that has been legally set-out.
- The Plaintiff is NOT required to "post a guard" to protect the Defendant's property.