

THE MARION COUNTY COURT OF COMMON PLEAS, GENERAL DIVISION

Judge Warren T. Edwards

Judge Matthew P. Frericks

LOCAL RULES

(REVISED July 3, 2023)

**Marion County Court of Common Pleas, General Division
100 North Main Street
Marion, Ohio 43302**

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RULE 101: ADOPTION, SCOPE, AND CONSTRUCTION OF RULES

- (a) The Marion County Court of Common Pleas, General Division, hereby adopts the following rules for the conduct, government, and management of business, operations, proceedings and other functions and services of the Court. The Court may amend and/or supplement these Rules from time to time.
- (b) These Rules are intended to supplement and complement the Ohio Rules of Civil Procedure, the Ohio Rules of Criminal Procedure, the Ohio Traffic Rules, the Superintendence Rules of the Supreme Court of Ohio, and other controlling statutes in their application and administration in the proceedings in this Court.
- (c) These Rules shall be construed and employed so as to promote fairness and simplicity in procedure, to avoid unjustifiable delay, and to secure just and expeditious determination of actions and proceedings. These Rules shall apply to all parties, counsel of record, and subject matter of all actions filed on and after the effective date hereof, and they shall also apply to all parties, counsel of record and subject matter of all actions pending before this Court as of the date hereof, except to the extent that in the opinion of the Court their application in a particular action pending when the Rules take effect would not be feasible or would work injustice, in which event the former procedures shall apply.
- (d) These Rules shall take effect on the 3rd day of July, 2023, and after they are filed with the Supreme Court of Ohio in accordance with Civil Rule 83 and Criminal Rule 57. All former Rules of this Court are rescinded and repealed as of the effective date hereof. Amendments and additions hereto may be made from time to time, but such amendments and additions shall not be effective until filed with the Supreme Court of Ohio in accordance with Civil Rule 83 and Criminal Rule 57.

RULE 102: TERM OF COURT AND HOURS OF COURT SESSION

- (a) The court will be in continuous operation for the transaction of judicial business. Each calendar year, beginning in January, will constitute a separate term of court designated by the calendar year in which the term lies. Each annual term of court will be divided into three sessions, with each session continuing for a period of four months. The sessions will be designated as Part I, Part II and Part III. Part I will commence on the first day of January of each calendar year. Part II will commence on the first day of May of each calendar year. Part III will commence on the first day of September of each calendar year. This Rule is adopted pursuant to the provisions of Section 2301.05 of the Ohio Revised Code.

- (b) The sessions of the court generally will be Monday through Friday from 8:30 a.m. to 4:30 p.m. The court will also be in session at other times and hours as any judge prescribes.

RULE 103: FILING AND CONTENTS OF DOCUMENTS

- (a) The filing of a document with the Court may be accomplished by presenting the document in the office of the Clerk of Court during regular business hours, by facsimile filing (as discussed below), or by mailing the document to the following address: Marion County Clerk of Courts, 100 North Main Street, Marion, OH 43302. The Clerk is encouraged to file all documents in as timely a manner as possible. All documents shall be filed and imaged by no later than the business day following the receipt of the document.
- (b) A document sent by facsimile, mail, or other delivery service shall not be considered to be filed with the Court until such time as it is actually received and date-stamped in the office of the Clerk of Court. The risk of sending a document by facsimile, mail, or other delivery service shall be borne entirely by the sending party. Any party using these forms of filing is welcome to contact the office of the Clerk of Court to verify that the document has actually been received and filed.
- (c) Every Complaint presented to the Court shall include a caption which includes the names and addresses of each party. All subsequent documents presented to the Court shall include a caption which, at a minimum, states the case number and the names of the first party Plaintiff and the first party Defendant. Every document presented to the Court shall also include the party or attorney's name, address, telephone number, fax number, and email address. Every document presented by an attorney shall also include the attorney's registration number and the attorney's firm name.
- (d) The original of every document filed with the Court shall be signed in blue ink by the party and/or by an attorney representing the party on whose behalf the document is filed. A "/s/name" signature of counsel or a party in an electronically or fax filed document is also an acceptable signature of the person listed for all purposes, including Civil Rule 11. Any unsigned document and/or any document signed by a person other than a party, or an attorney of record may be stricken from the record.
- (e) Upon the filing of any pleading which requires the scheduling of a hearing, or which requires the Court to rule, both the party filing the pleading and the Clerk shall deliver a time-stamped copy of the pleading to the assignment clerk in the chambers of the Judge to whom the case is assigned immediately after the pleading is filed with the Clerk.
- (f) Filings by facsimile transmission shall be permitted for all documents except for original Complaints or pleadings asserting new or additional claims for damages.

Fax filings shall not be longer than 30 pages in length (including any exhibits but not including the cover sheet). Any applicable filing fees must be received by the Clerk of Court in advance of the transmission. The Clerk of this Court is expressly authorized to charge a fee for this service, both for the transmission itself together with a per-page charge, in an amount determined by the Clerk. Fax filings received after 4:30 p.m. will be file-stamped when actually received and no sooner or later than the following court day. A document filed by fax will be accepted as the effective original filing of the document. The person filing by fax should not mail or otherwise deliver the same document to the Clerk a second time, but that person shall maintain the original signed copy of the fax-filed document in his or her records. A party who files a signed document by fax represents that the physically signed document is in his or her possession or control. If it is established that any pleading(s) were transmitted without authority, the Court shall order the filing stricken.

RULE 104: MECHANICAL REQUIREMENTS FOR COURT FILINGS

- (a) All pleadings and motions shall be legibly typewritten or printed on paper of letter size (8.5" by 11") and shall be no smaller than 10.0 type. The clerk may accept handwritten documents for filing.
- (b) The margin on the top of each page should be at least one inch so that the clerk can punch holes in that margin and place the document into the Court's file without obscuring the document's text.
- (c) Every multi-page document filed with the clerk should be paginated.
- (d) The contents of all pleadings and motions (with the exception of certain exhibits attached thereto) shall only be on the front side of each page so as to allow for ease of review after the documents have been placed into the Court's file.

RULE 105: PERSONAL IDENTIFYING INFORMATION MAY BE REDACTED

- (a) To protect personal privacy interests, social security numbers and other personal identifying information should be redacted from documents before the documents are filed with the Court. The responsibility for redacting personal identifying information rests solely with the parties and/or attorneys who present the documents for filing. The Clerk will not review documents to confirm that personal identifying information has been redacted, save to comply with R.C. 2930.07, court orders, or other applicable law.
- (b) If personal identifying information is redacted or omitted from a document, the information should be provided to the court on a separate form that indicates what information has been redacted or omitted and provides the location of the redacted or omitted information. A suitable example of that type of form is included in the appendix to the Rules of Practice of the Supreme Court of Ohio.

RULE 106: CERTIFICATE OF SERVICE

- (A) With the exception of motions for default judgment in cases in which the opposing party has failed to answer or otherwise appear in the action, every pleading, motion, brief, memorandum, or argument in writing filed with the Court shall be served on opposing counsel or on all parties not represented by counsel, and proof of such service shall be shown in writing on or attached to such pleading, motion, brief, memorandum or argument. Any such document delivered to the Court without such certificate of service will not be considered by the Court.
- (B) Pursuant to Civil Rule 5(B)(3), the Court authorizes service by the Court's attorney mailboxes in the Common Pleas Courthouse. Service shall be deemed complete upon placement in the Court mailbox. Counsel shall be responsible for checking their mailboxes. Parties shall also comply with Local Rule 103(e) and serve the Court with filings that require Court action. The Clerk shall not require signatures for retrieval of any attorney or Court mailbox.
- (C) The Clerk shall serve all parties in a criminal case with any judicial filings in that case. The Clerk shall make a record of the method of service to the parties. The inclusion of specific language to serve shall not be required for the Clerk to serve the parties. Orders solely ordering the transportation of those in custody from a jail or prison, need not be served on the other parties.
- (D) The Clerk shall serve all parties in any civil case not in default with any judicial filings in that case. The Clerk shall make a record of the method of service to the parties. The inclusion of specific language to serve shall not be required for the Clerk to serve the parties.
- (E) In order to ensure the prompt transport of prisoners and the speedy resolution of cases, the Clerk shall serve the Marion County Sheriff's Office with any order for the transport of prisoners the same business day the order is filed.

RULE 107: MOTIONS SHOULD BE ACCOMPANIED BY A PROPOSED ENTRY

Any party filing a motion with the Court should generally submit, along with the motion, a proposed entry that the party wishes the Judge to sign.

RULE 108: CONTINUANCES

- (a) Continuances will only be considered upon formal motion and for good cause shown. A request for the continuance of a scheduled trial or hearing should generally be made in a written motion filed with the clerk, and the motion should document the reason(s) for the request. The Court will, from time to time,

consider an oral motion to continue, but only if all parties and/or their attorneys are present when the oral motion is made. If the request is grounded on a prior commitment of an attorney or a party, appropriate documentation (hearing notice documenting trial or hearing in another court or a doctor's excuse, for example) shall be attached to the motion.

- (b) A party seeking a continuance of a scheduled trial or hearing is welcome to suggest alternative dates and times when that party expects to be available, but there is no guarantee that the Court will grant the requested continuance or that the Court will be able to accommodate a request to reschedule the trial or hearing on a suggested date.
- (c) Parties should strive to avoid filing motions to continue trials, and any such motions should be filed as soon as the party realizes that a continuance is necessary.

RULE 109: ENTRY OF APPEARANCE AND WITHDRAWAL OF COUNSEL

- (a) Entries of appearance as counsel shall be in writing and served on other parties. Entry of appearance by counsel may be effected by the signature of counsel on any pleading, motion, or any other document filed with the Court.
- (b) With the exception of Court-appointed counsel in criminal cases, unless written entry of appearance has been filed with the Court, counsel will generally not be allowed to participate in any trial or hearing without prior permission of the Court.
- (c) It is contemplated that any attorney who enters an appearance as counsel in a case shall remain in the case until the case is concluded. However, upon written motion for leave to withdraw from an action and for good cause shown, the Court may, under certain circumstances, permit counsel of record to withdraw.
- (d) An attorney who has entered an appearance as counsel will only be allowed to withdraw as counsel after filing a written motion requesting leave of the Court to withdraw. An attorney will not, under any circumstances, be removed as counsel of record in any case simply because he or she has submitted a "notice" of his or her withdrawal as counsel without having requested permission of the Court to withdraw.
- (e) All motions to withdraw shall state with specificity the reason or reasons that counsel is seeking leave to withdraw. If there is an irreconcilable conflict between counsel and his or her client, counsel's motion to withdraw should state, when appropriate, the client's refusal to communicate with counsel and/or any other indicia of a fundamental breakdown in the attorney/client relationship.

- (f) The fact that a client has not paid the fee for counsel's services will generally not be deemed to be a valid basis for the withdrawal of counsel in the absence of other factors.
- (g) All motions to withdraw shall be filed with the Clerk of Court, and copies thereof shall be served on the client of the attorney who is seeking leave to withdraw as well as all other parties/attorneys.
- (h) If the client of the attorney who is seeking leave to withdraw is in agreement that counsel of record should be allowed to withdraw, counsel should submit a proposed Entry which includes the signature of said client with an indication that said client has reviewed and approved the proposed Entry granting the motion to withdraw. The submission of such proposed Entry does not, however, guarantee that the Court will grant the motion to withdraw, and the attorney shall still be regarded as counsel of record until such time as the Court rules on the motion to withdraw.
- (i) The Court will, in most cases, schedule a hearing on a motion to withdraw. If a hearing is scheduled, counsel seeking leave to withdraw shall be responsible for notifying his or her client of the date and time of the scheduled hearing.
- (j) Except in extremely rare and extraordinary circumstances in which the interest of justice requires it, no motion to withdraw will be considered or granted less than fourteen (14) days before a scheduled trial.

RULE 110: EXTENSION OF TIME WHEN SERVICE MADE AT COURTHOUSE

In addition to the provisions of Rule 6(E) of the Ohio Rules of Civil Procedure and Rules 4 and 5(E) of the Ohio Rules of Criminal Procedure, whenever a party has a right to or is required to do some act within a prescribed period after the service of a notice or other paper upon him or her and the notice or paper is served upon him or her by the Courthouse mailbox system maintained at the Marion County Courthouse, three (3) days shall be added to the prescribed period. This rule does not apply to responses to service of summons under Rule 4 and Rule 4.6 of the Ohio Rules of Civil Procedure or to responses to service of summons under Rules 4 and 9 of the Ohio Rules of Criminal Procedure.

RULE 111: ATTENDANCE AT HEARINGS

Unless excused by the Court, all parties and their attorneys are expected to personally attend all scheduled hearings in their cases. It is extremely rare that "I didn't know" or "I forgot" is accepted as an excuse for missing a hearing. The docket for each case is available on the Court's web page, and notices about court hearings are provided by the Court to attorneys of record and to unrepresented parties. The Court expects attorneys and parties to stay on top of developments in their cases and to attend all scheduled hearings/trials.

RULE 112: COURTROOM DECORUM AND ATTIRE

Court proceedings shall be conducted in a manner that respects and protects the dignity and seriousness thereof. Conduct by any person that might interfere with the decorum of the court is prohibited and may result in removal of that person from the courtroom. Persons attending court shall abide by the following rules, which are representative rather than all-inclusive. Failure to comply with this rule could result in a finding of contempt of court.

(a) Courtroom decorum:

- (1) Eating and/or drinking (without permission of the Court) and the use of tobacco products are prohibited in the courtrooms, irrespective of whether court is in session.
- (2) Verbal conversations and the reading of books, newspapers, or magazines (except with permission of the Court or as necessary for the trial of an issue) are prohibited in the courtrooms at all times when court is in session.
- (3) Cellular telephones and any other electronic or communications devices that have the capacity to disrupt the court proceedings should at most times be turned off and shall at all times be silenced during all sessions of the court. Those in the courtrooms shall not talk or text on telephones or any other electronic communication devices in the courtrooms while court is in session. Failure to comply with this rule may result in confiscation of the subject device.

(b) Attire:

- (1) All attorneys appearing before the Court shall be attired in a manner that is consistent with the current, generally prevailing and accepted business attire for professional men and women. Male attorneys shall wear either a suit and tie, dress pants with a jacket and tie. Female attorneys shall wear dresses, skirts, pant suits, or slacks.
- (2) Counsel should inform litigants and witnesses that they should wear appropriate clothing when appearing in the courtroom.
- (3) Jurors, parties, witnesses, observers, and employees of the Court shall wear proper attire while attending court, unless excused from doing so by the Court. Clothing such as short shorts, halter tops, sweat suits, swimwear, exercise garb, pajamas, and revealing garments shall not be permitted in the courtrooms.

(4) Men shall not wear hats, caps, or hoods at any time while in the courtrooms.

The bailiffs employed by the Court shall assist the Court in ensuring compliance with these rules. It shall be within the discretion of the Judge or Magistrate to have an individual removed from the courtroom if the individual's conduct or dress does not comport with these rules.

RULE 113: CUSTODY OF FILES

- (a) The Clerk of this Court shall be responsible for all records belonging to his or her office and all papers filed therein.
- (b) The original files of the Court shall remain within the physical confines of the office of the Clerk of Court, in the courtrooms, or in the chambers of the Judges or the Magistrate.
- (c) Neither the original files of the Court nor any part thereof shall be removed from one of the above locations without permission of the Court.
- (d) Any party or attorney in any case pending in this court may demand from the Clerk a copy or a certified copy of any paper or pleading in such case, and such copy or copies shall be made promptly and furnished to such party or attorney, and the cost thereof shall be collected from the party or parties requesting same.
- (e) The Clerk of this Court shall maintain all case files in chronological order as determined by the date and time file stamp that is placed on each document as it is received. Only the original of each document received for filing shall be maintained in the case file by the Clerk.
- (f) The Clerk of Courts shall make records in criminal cases available for inspection by the public in accordance with Ohio's public record law (O.R.C. § 149.43) and Superintendence Rules 44-47. Records which are not required to be made available to the public shall be kept by the Clerk in non-public files and shall not be available for public inspection.
- (g) The following guidelines shall be observed by the Clerk to assist him or her in determining which records are public records: All records pertaining to any criminal case which is not the result of a secret indictment are public records available to the public, subject to the following exceptions: (1) Records regarding cases in which a secret indictment is returned are not public records until the defendant is served with the indictment, or he/she personally appears in court for a proceeding related to his/her case. See Criminal Rule 6(E). (2) Reports of psychiatric evaluations of the defendant to determine competency or insanity are not public records and are required to be kept confidential. See R.C.

2945.371(H). (3) All records pertaining to any case in which the Court has sealed the records are required to be kept confidential.

- (h) All pleadings filed with Clerk of Courts shall be docketed and placed into the court file within twenty-four (24) hours of the pleading being delivered to the Clerk of Courts. If the court file is in the chambers of the Judge or Magistrate when a pleading is received, the pleading shall be taken to the chambers of the Judge or the Magistrate by the Clerk or by a Deputy Clerk and placed into the file.

RULE 114: DISPOSITION OF OLD CASE FILES

The Ohio Revised Code and the Rules of Superintendence for the Courts of Ohio list time periods during which court records and other documents must be maintained. Once the minimum time period for the maintenance of a record or other document has passed, the Clerk of the Court may destroy that record or document either with or without further order from the Court.

RULE 115: COURT SECURITY

The Court shall maintain a Security Policy and Procedure Plan which shall consider the security standards adopted by the Supreme Court of Ohio. The Court shall adopt a Security Operations Manual, which manual shall establish written directives for the purpose of ensuring security within the Court while maintaining accessibility to the community.

RULE 116: MAGISTRATES

The Court may employ one or more magistrates, who shall be authorized to perform any and all duties permitted by the Ohio Rules of Civil Procedure and the Ohio Rules of Criminal Procedure.

RULE 117: PROSPECTIVE JURORS

- (a) The names of prospective jurors shall be drawn from a jury source list by the Jury Commissioners of Marion County as provided in Chapter 2313 of the Revised Code.
- (b) The opportunity to serve on a jury will not be limited or denied on the basis of race, national origin, gender, age, religious belief, income, occupation, or disability.
- (c) Prospective jurors drawn from the jury source list by the Jury Commissioners shall be available to be called for duty as jurors over a four-month period.

- (d) Persons summoned for jury service will be paid the daily rate set by the Marion County Commissioners. Persons summoned for jury service will not be compensated for their travel expenses.
- (e) Prospective jurors are required to call the Court on the evening before a scheduled trial to learn whether or not they are needed for jury service on the date for which they have been summoned to serve.
- (f) When a juror has performed his or her duties after being sworn as a juror or as an alternate juror in a trial, said juror shall, upon request, be removed from the prospective juror list for the remainder of his or her four-month period of jury availability.
- (g) The Court will prepare and deliver notices summoning prospective jurors for jury service and said notices shall contain questionnaires to be filled out by the prospective jurors and returned to the Court.
- (h) The Court will, upon request, deliver copies of the jury questionnaires to counsel prior to a scheduled jury trial. These copies of the questionnaires shall not be further copied or otherwise transcribed by trial counsel, and they shall be returned to the Court after a jury has been selected for trial. The jury questionnaires shall be shredded after prospective jurors have completed their service.
- (i) Prospective jurors who wish to have their service deferred (delayed) and those who wish to be excused from jury service must make a formal request by contacting the Court. Unless exempt from jury service in accordance with the provisions of the Ohio Revised Code, a prospective juror who has been summoned for service in a jury trial will be excused from jury service only if his or her ability to receive and evaluate information is so impaired that he or she is unable to perform his or her duties as a juror and he or she is excused for this reason, or if the prospective juror is excused by the Judge or by an authorized official of the Judge for good cause shown.

RULE 118: RECORDING OF COURT PROCEEDINGS

- (a) The proceedings at the Court are recorded using the Court's equipment. Upon request and payment of the required costs, copies of those recordings can be made by the Court for the parties or for the public.
- (b) No person shall use a cell phone or any other recording device to either videotape or make an audio recording of any court proceedings of the Court without prior permission of the Court.
- (c) Parties or others who wish to have a typewritten transcript of any proceedings at the Court may retain the services of a court reporter. Court reporters are

permitted to transcribe trials or hearings as they occur in the courtroom, or they may do so while listening to recordings of trials or hearings after they have taken place. All costs associated with the court reporter's services shall be borne by the party employing the court reporter.

RULE 119: MEDIA COVERAGE OF COURT PROCEEDINGS

- (a) The Court hereby recognizes that Rule 12 of the Rules of Superintendence for the Courts documents the rules for media coverage of court proceedings, and the Court hereby adopts the rules contained therein. The Court hereby supplements those rules as follows:
- (b) Requests for permission to broadcast, televise, record, or take photographs in the courtroom shall be made in writing and as far in advance as is reasonably possible but in no event less than thirty (30) minutes prior to the applicable courtroom session. The Judge may waive this advance notice requirement for good cause shown. Applications shall contain all of the information found in **APPENDIX B** which is attached to these Rules. All applications and the written orders of the Judge shall become part of the record of the proceedings.
- (c) The Judge or Magistrate assigned to preside over a trial or hearing shall permit the broadcasting or recording by electronic means and/or the taking of photographs in court proceedings that are open to the public as provided by Ohio law. The Court recognizes that it has a responsibility to provide just, fair, and impartial adjudication of the cases that come before it and to allow for media coverage of public court proceedings in order to facilitate the flow of information to the public concerning the judicial system and to foster better public understanding of the administration of justice. The Court will balance these interests in order to maintain the dignity, decorum, and impartiality of the court proceedings while at the same time providing access which is reasonably possible.
- (d) The limits on the numbers of camera operators, photographers, and audio systems noted in Rule 12 of the Rules of Superintendence for the Courts shall be observed by the Court. Any microphones and/or other equipment necessary for audio pickup shall be visible but shall be as inconspicuous as possible. Audio recording equipment may be used only with prior permission of the Court. The Court will not permit the use of any camera or equipment that produces distracting sound or light.
- (e) After consultation with the media personnel, the Judge or Magistrate will specify the place(s) in the courtroom where the operators of any equipment shall be positioned.

- (f) There shall be no audio pickup or broadcast of conferences between attorneys and clients or of conferences conducted at the bench between attorneys and the Judge or Magistrate.
- (g) Media representatives shall not film, videotape, record, or take photographs of any victim or witness who objects to being filmed, videotaped, recorded or photographed.
- (h) The Judge or Magistrate presiding over the trial or hearing shall inform victims and witnesses of their right to object to being filmed, videotaped, recorded, or photographed.
- (i) This rule shall not be construed to grant media representatives any greater rights than those permitted by law.
- (j) Upon the failure of any media representative to comply with the conditions prescribed by this rule or by the Court, the Court may revoke the permission to broadcast or photograph the trial or hearing.
- (k) Media representatives shall not videotape, record or photograph any juror.

RULE 120: WEAPONS IN THE COURT BUILDING

No person shall convey, attempt to convey, or possess a deadly weapon or dangerous ordnance in the court building except those explicitly exempted by Ohio Revised Code Section 2923.123(C).

RULE 121: BAIL OR SURETY

No attorney or officer of this court shall be received as bail or security in any action, matter or proceeding in this court, nor shall any bond be approved having the name of such person as surety.

RULE 122: APPEALS

- (a) Where the time for filing bills of exceptions, assignments of errors, and briefs are fixed by statute or by rule of Supreme Court, they shall be filed within such time or extension thereof as may be granted in writing by the judge to whom the case is assigned after notice to opposing counsel or party. Upon the expiration of such time as extended, the case will be considered as submitted on the briefs unless oral argument is requested in writing and granted by such judge. When granted, such oral argument shall not exceed fifteen (15) minutes per side unless extended by the judge.
- (b) Where the time for filing is not fixed by statute or rule of the Supreme Court, the Appellant shall file a brief within twenty (20) days after the filing of the transcript

of the record; the Appellee shall file his or her brief within ten (10) days after the filing of the brief of Appellant, and any reply brief shall be filed within five (5) days after the filing of the Appellee's brief. Extensions of time may be granted by Entry by the judge to whom the case is assigned for good cause shown after notice to all parties.

- (c) In all cases in which demand or request to the agency by the Appellant is a prerequisite to the preparation or filing of the transcript of the record by the agency, such demand or request shall be filed by the Appellant with the agency at the time of filing the notice of appeal, unless otherwise provided by law or by Rule of Supreme Court.
- (d) Upon the expiration of the time for filing of the last brief, the case will be considered as submitted upon the briefs unless oral argument is requested in writing and granted by the judge to whom the case is assigned or is required by law. Such argument shall not exceed fifteen (15) minutes per side unless extended by such judge.
- (e) The procedures above, as may be applicable shall apply to all appeals including those under Chapter 2506 of the Revised Code and Chapter 119 of the Revised Code.
- (f) Failure of an Appellant to file his bill of exceptions, his assignments of error, his brief, or his demand for a transcript of the record within the time required shall be cause for dismissal of the appeal for want of prosecution or other disposition of the case at the discretion of the judge to whom the case is assigned.
- (g) All briefs and memoranda, pro and contra, and all motions, briefs and memoranda thereto, pro and contra, shall be filed in duplicate.

RULE 123: COMPUTERIZED LEGAL RESEARCH

1. Pursuant to the authority of R.C. 2303.201(A), the Court determines that for the efficient operation of the court additional funds are required to computerize the court and to make available computerized legal research services.
2. The Clerk of Court of Common Pleas to charge one additional fee, in the amount of \$6, on the filing of each cause of action or appeal under divisions (A), (Q), and (U) of section 2303.20 of the Revised Code.
3. The Marion County Auditor shall establish and maintain a separate Computerized Legal Research Fund.
4. All monies collected pursuant to the authority of R.C. 2303.201(A) shall be paid to the County Treasurer, at least monthly, and promptly deposited in said Computerized Legal Research Fund

5. All fees collected an interest earned in the Computerized Legal Research Fund, shall be disbursed only upon order of the Common Pleas Court of Marion County, in an amount no greater than the actual costs to the Court in procuring and maintaining legal research services. No monies shall be disbursed from said funds without an order of the Court pursuant to R.C. 2303.201(A)
6. Pursuant to the authority of R.C. 2303.201(B)(1), the Court determines that, for the efficient operation of the court, additional funds are required to make technological advances in or to computerize the office of the clerk of the court of common pleas and, upon that determination, authorizes and directs the clerk of the court of common pleas to charge an additional fee of \$20.00, on the filing of each cause of action or appeal, on the filing, docketing, and endorsing of each certificate of judgment, or on the docketing and indexing of each aid in execution or petition to vacate, revive, or modify a judgment under divisions (A), (P), (Q), (T), and (U) of section 2303.20 of the Revised Code.
7. The Marion County Auditor shall establish and maintain a separate Clerk of Courts Computerization Fund,
8. All monies collected pursuant to the authority of R.C. 2303.201(B)(1) shall be paid to the County Treasurer, at least monthly, and promptly deposited in said Clerk of Courts Computerization Fund.
9. All fees collected an interest earned in the Clerk of Courts Computerization Fund, shall be disbursed only upon order of the Common Pleas Court of Marion County, in an amount no greater than the actual costs to the Clerk in procuring and maintaining computer systems for the office of the Clerk of the Courts of Common Pleas of Marion, County Ohio. No monies shall be disbursed from said funds without an order of the Court pursuant to R.C. 2303.201(B)(1).
10. For purposes of this rule, a cause of action is defined as a pleading which contains a claim for relief, or multiple claims for relief, by one or more parties, against one or more parties, whether contained in an original claim, counterclaim, cross-claim, or third party claim.

RULE 124: FIREARMS, WEAPONS, OR DANGEROUS ORDINANCE IN COURTROOM FIREARMS OR WEAPONS USED AS EXHIBITS

Any person intending to offer firearms, weapons, or dangerous ordinance in a civil or criminal proceeding shall notify the Court and opposing counsel in writing at least 72 hours prior to the commencement of the trial or hearing.

Any firearm brought for this purpose shall be:

- a. Unloaded prior to being brought to the Courthouse

- b. Prior to the start of the hearing or trial, a mechanical trigger block or cable lock to preclude the use of the firearm. All keys shall be under the control of the bailiff during the hearing or trial.
- c. All ammunition shall be removed from the firearm and placed in a heat-sealed evidence bag.

All other weapons shall be secured on a plexi-glass display board using plastic tie wraps.

Once a firearm, weapon, or dangerous ordinance is received in evidence, it shall be consigned to the custody of the court reporter or bailiff for the duration of the trial. At no time shall it be allowed to be placed at counsel tables or at the witness box except upon prior approval of the Court for witness testimony.

For purposes of Rule, the relevant terms are defined at R.C. §2923.11.

RULE 125: SPECIAL PROJECTS FEE

In accordance with Ohio Revised Code §2303.201(E)(1), the Court has determined that for the efficient operation of the court, additional funds are necessary to acquire and pay for special projects of the court. In addition to all other court costs, a fee of one hundred dollars (\$100.00) will be assessed on the filing of each criminal cause, civil action or proceeding, or judgment by confession.

RULE 126 ELECTRONIC FILING OF COURT DOCUMENTS

(A) **DEFINITIONS.** The following terms used in these rules are defined in this section.

1. **CLERK REVIEW.** A review of electronically filed documents by the Clerk of Courts in accordance with Court Rules, policies, procedure, and practice. Court Clerks may only reject a filing without prior judicial approval for a failure to include the required filing fee, or a filing by a vexatious litigator under Revised Code 2303.08 and 2323.52 who has not obtained leave to file.

All documents rejected shall be immediately brought to the relevant judicial official to determine if the rejection was proper.

Any other document that may be subject to possible rejection by the Clerk shall be brought to the relevant judicial official before a rejection is made to determine if the document should be rejected. The determination will be made by the relevant judicial official.

2. **CASE MANAGEMENT SYSTEM (CMS).** A Court case management system manages the receipt, processing, storage and retrieval of data associated with a case and performs actions on the data.

3. COURT ELECTRONIC RECORD. This is any document that a court will (a) receive in electronic form, (b) record in its case management system, and (c) store in its document management system. This may include documents received in paper form and scanned into the court's DMS (see below). This will include notices and orders created by the court as well as pleadings, other documents, and attachments created by practitioners or parties. It will not include physical exhibits brought into the courtroom for the Court's or jury's edification or documents and things which are not susceptible to capture in electronic form.

4. COURT INITIATED FILINGS. These are official Court documents entered into the docket or register of actions, such as notices or orders. The term "court initiated filings" is a simplification to indicate that documents will be internally created and submitted as part of the electronic Court record, but could be submitted using exactly the same process as external filings if the Court so desires.

5. DESIGNATION OF CASE TYPES. Until such time as the Court designates all filings on all cases as mandatory eFile case types, the court will designate certain cases or types of filings as mandatory, discretionary, or prohibited.

(a) **MANDATORY EFILE CASE TYPES.** These are case types and filings that shall be submitted via the eFiling system.

(b) **DISCRETIONARY EFILE CASE TYPES.** These are case types and/or filings that may be submitted via the eFiling system.

(c) **PROHIBITED EFILE CASE TYPES.** These are case types and filings that may not be filed electronically and shall be presented in paper form via traditional means via U.S. Mail or at the clerk's counter.

6. DOCUMENT. A filing made with the court or by the court in either electronic format or scanned from paper, thus becoming part of the court's official record.

7. DOCUMENT MANAGEMENT SYSTEM (DMS). A DMS manages the receipt, indexing, storage, and retrieval of the electronic (and scanned non-electronic) documents associated with a case.

8. EFFECTIVE DATE AND TIME OF FILING OF A DOCUMENT. The date and time the electronic filing was received and uploaded to the clerk of court as noted by the time stamp on the submitted document.

9. ELECTRONIC FILING (EFILE / EFILING). The electronic transmission, acceptance, and processing of a filing, referring collectively to the act of submitting documents electronically as well as the procedures and computer systems required to support said filing. A submission consists of data, one or more documents, and/or images. This definition of electronic filing does not apply to facsimile or email.

10. **ELECTRONIC FILING SYSTEM.** This is the system composed of software, hardware, transport, handling, storage mechanisms, procedures, and rules to allow for the submission of eFile documents.

11. **ELECTRONIC SERVICE (ESERVICE).** The electronic transmission of an original document to all other registered case participants via the electronic filing system or by other electronic means, such as email. Upon the completion of any transmission to the electronic filing system, an electronic receipt shall be issued to the sender acknowledging receipt by the electronic filing system.

12. **ORIGINAL DOCUMENT.** The electronic document received by the court from the filer.

(B) ELECTRONIC FILING OF PLEADINGS AND OTHER DOCUMENTS.

1. All pleadings, motions, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, orders, or other documents submitted in designated eFile case types shall be filed electronically through the court's electronic filing system. The clerk shall not accept or file any document in paper form in mandatory eFile case types from litigants represented by counsel.
2. In conformity with the Revised Code, Civil Rule 5(E) and Criminal Rule 12(B) and, as approved (provisionally) by the Ohio Supreme Court Commission on Technology and the Courts, complaints, pleadings and other documents may be filed with the clerk of court electronically via the Internet, subject to the provisions in this rule.
3. **APPLICATION OF RULES AND ORDERS.** Unless otherwise modified by approved stipulation or court order, all rules of civil, criminal, and appellate procedure, local rules, and orders of the court shall continue to apply to all documents electronically filed.
4. **COURTESY COPIES.** Paper courtesy copies of documents filed electronically shall not be delivered to the court.

(C) ELECTRONIC FILING AND SERVICE OF ORDERS AND OTHER PAPERS.

1. For all designated eFile case types, the court shall issue, file, and serve pursuant to Civ.R. 4 all pleadings, notices, orders, and other documents using traditional certified mail service, subject to the provisions of this rule.
2. For all designated eFile case types, the filer shall file and serve Civ.R. 5 notices, orders, and other documents using courier, mail, or electronic means. Proof of service must be filed with the clerk.

(D) DESIGNATION OF ELECTRONIC FILING CASES.

1. Upon the designation of any particular case type as an eFile case or filing, the parties to that case who are represented by counsel shall promptly take steps to allow their counsel to file, serve, receive, review, and retrieve copies of their pleadings, notices, orders, and other documents filed in the case electronically. By definition, parties filing electronically or receiving electronic service of any documents filed must become participants in the court's electronic filing system.

2. For designated eFile case types as mandatory, the court shall not accept or file any pleadings or instrument in paper form. Parties represented by counsel shall eFile a document by registering to use the court's electronic filing system.

(E) CONFIDENTIAL AND UNIQUE ELECTRONIC IDENTIFIER. The court's electronic filing system shall assign the party's designated representative(s) a confidential and unique electronic identifier that must be used to file, serve, receive, review, and retrieve electronically filed pleadings, orders, and other documents filed in the assigned case. Each person to whom a unique identifier has been approved shall be responsible for the security and use of such identification. All documents filed electronically will be deemed to be made with the authorization of the party who is assigned to the specific unique electronic identifier, unless the party demonstrates to the satisfaction of the court, by clear and convincing evidence, to the contrary.

(F) PRO SE LITIGANTS. All filings by parties appearing pro se shall be filed and served conventionally in paper form, unless the party petitions the court, and the court allows the party, to file and serve electronically, in which case the party may do so through the court's electronic filing system. The clerk of courts shall scan the paper document and return the paper copy to the pro se litigant.

(G) OFFICIAL COURT RECORD

1. For case types designated for electronic filing, parties shall file all pleadings, motions, briefs, memoranda of law, deposition transcripts, transcripts of proceedings, notices, orders, or other documents electronically through the court's electronic filing system.

2. For documents that have been electronically filed or documents filed in paper format that have been scanned and uploaded to the electronic filing system, the electronic version constitutes the official court record.

3. Electronically filed papers have the same force and effect as those filed by traditional means.

(H) FORM OF DOCUMENTS ELECTRONICALLY FILED

1. FORMAT OF ELECTRONICALLY FILED DOCUMENTS. All electronically filed pleadings shall, to the extent practicable, be formatted in accordance with the applicable rules governing formatting of paper pleadings, and in any other format as

the court may require from time to time. A filed pleading shall not be filed as a scanned image document. Such pleadings shall be filed in a PDF format that permits word searches. A filed document shall not contain links to other documents or references in the court's case management system, unless they are incorporated into the filed document. External links are prohibited.

2. LOCATION OF DATE AND TIME STAMP. Filers must leave a marginal location at the top left of each page for date and time stamps. This blank space must be no less than 2-1/2 inches wide and 3/4 inch high.

3. PORTABLE DOCUMENT FORMAT. All electronically filed documents, pleadings, and papers shall be filed with the clerk in portable document format (PDF) with the exception of proposed orders. Proposed orders must be submitted in Word [.doc or .docx] or WordPerfect [.wpd] and reference the specific motion to which it applies. The electronic filing system will electronically transmit the proposed order to the assigned judge or judicial hearing officer.

4. SIZE OF FILING. Documents shall be limited to ten megabytes (10MB) in size. No combination of PDF files in one transmission may accumulate to more than thirty megabytes (30MB) in size. The formatting requirements and limitations set forth in section 3.01(A) of these rules apply to electronically filed documents.

5. RESOLUTION OF FILING. Documents shall be submitted in a resolution not less than 300 dots per inch (DPI).

6. SIGNATURES

(a) **ATTORNEY/FILING PARTY SIGNATURE.** Documents filed electronically with the clerk that require an attorney's or filing party's signature shall be signed with a conformed signature of "/s/ (name)." The correct format for an attorney signature is as follows:

/s/ Attorney Name
Attorney's Name Bar Number 00XXXXX
Attorney for (party)
Law Firm Address
Telephone number
Email address
Fax number (if any).

The conformed signature on an electronically filed document is deemed to constitute a signature on the document for the purposes of signature requirements imposed by the Rules of Superintendence, Rules of Civil Procedure, Rules of Criminal Procedure, Rules of Appellate Procedure, and/or any other law, rule of court, or local rule of practice or procedure.

(b) **MULTIPLE SIGNATURES.** When a stipulation or other document requires two or more signatures:

(i) The filing party or attorney shall confirm that the content of the document is acceptable to all persons required to sign the document. The filer will indicate the agreement of other counsel or parties at the appropriate place in the document, usually on the signature line.

(ii) The filing party or attorney then shall file the document electronically, indicating the signatories, e.g., /s/ Jane Doe, /s/ John Smith, etc.

(c) **THIRD-PARTY SIGNATURES.** Documents containing signatures of third-parties (i.e., unopposed motions, affidavits, stipulations, etc.) shall be electronically filed only as a scanned image.

(d) **JUDGE/JUDICIAL OFFICER SIGNATURE.** Electronic documents may be signed by a judge or judicial officer via a digitized image of his or her signature. All orders, decrees, judgments, and other documents signed in this manner shall have the same force and effect as if the judge or judicial hearing officer had affixed his or her signature to a paper copy of the order and it had been entered on the docket in a conventional manner.

(I) **REMOVAL OF METADATA AND PERSONAL AND PRIVATE INFORMATION**

1. Metadata includes information about the document and its contents, such as the author's name, keywords, and copyright information, used by search utilities. Metadata is invisible information retained as a document is being drafted, edited, and refined, including changes made, when, and by whom.

2. The clerk of courts has no obligation and shall not be responsible for removing metadata or any personal and private or confidential information contained in a document that is electronically filed.

3. The following warning shall be posted on the court's e-filing portal: "WARNING: Removal of document metadata is the responsibility of the filer. Any document metadata remaining may become part of the public record."

4. Any person, by utilizing the court's e-filing system, consents to defend, indemnify and hold harmless the Marion County Court of Common Pleas, the Clerk of Courts, the Marion County Board of Commissioners, and all of their judges, deputy clerks, agents, and employees, from any and all damages that may result from the theft or misuse of personal and private or confidential information, whether visible or hidden in or contained within the metadata of a document presented for electronic filing.

5. Judges and judicial staff should remove metadata from any orders, judgment entries, or other filings where the judge deems it advisable to remove all prior versions of or any other information about that document.

6. The following information on removing metadata is available from Adobe.com:

SANITIZATION—Remove hidden data from PDF files with Adobe® Acrobat® XI. With a single click, find and delete all hidden data in a PDF file, including text, metadata, annotations, form fields, attachments, and bookmarks.

- (a) At the top right in Acrobat, click the Tools pane. Open the Protection panel.
- (b) The sanitation tools are listed under the heading Hidden Information. To permanently remove items such as metadata, comments, and file attachments, select Sanitize Document. Click OK. To have more control over what is removed, select Remove Hidden Information.

(c) Type a name for your file and click Save.

To learn more about removing confidential data from PDF files, see Redaction—Remove visible data from PDF files with Acrobat XI. Filers may refer to the many on-line resources, such as:

http://help.adobe.com/en_US/acrobat/X/pro/using/WS4E397D8A-B438-4b93-BB5F-E3161811C9C0.w.html

<http://www.prepressure.com/pdf/basics/metadata>

<https://www.youtube.com/watch?v=YNjugBFhEho>

<https://www.youtube.com/watch?v=3xPnLhdyuZQ>

(J) TIME FOR FILING AND EFFECT OF USE OF E-FILE

1. Any document filed electronically shall be considered as filed with the court when the transmission of the court's electronic filing system is complete ("effective date and time") and payment, if required, has been successfully tendered electronically. An electronic filing may be submitted to the clerk twenty-four hours a day, seven days a week. Nonetheless, the ability to file seven days a week shall not advance the date within which any document must be filed to a date on which the clerk of courts is not open pursuant to section 1.04(B) of these rules (that is, on a weekend, legal holiday, or other closure). Further, on the date on which a document must be filed, the document may be electronically filed up until 4:30 p.m. Eastern Standard Time or Eastern Daylight Saving Time, whichever is in effect on that date. Any document filed after 4:30 p.m. Eastern Standard Time or Eastern Daylight Saving Time shall be deemed to have been filed on the next day. The court's electronic filing system is hereby appointed the agent of the Marion County Clerk of Courts for the purpose of electronic filing, receipt, service, and retrieval of electronic documents.

2. Upon receipt of a filing, the court's electronic filing system shall issue a confirmation that the filing has been received. The confirmation shall include the date and time of receipt and serve as proof of filing.

3. A filer will receive subsequent notification from the clerk of courts that the filing has been **ACCEPTED**, placed in a **PENDING** status, or **REJECTED** by the clerk's office for docketing and filing into the general division's case management system. Each document will receive an electronic stamp. When the filing is **ACCEPTED** by

the clerk, this stamp will include the date and time that the filer transmitted the document to the court's electronic filing system as well as the unique confirmation number of the filing.

4. If a filing is found to be missing the filing fee, the clerk of courts may place the document in a **PENDING** status and transmit a notice to the filer. The filer will have two business days to complete the filing. If the filing is completed within two business days, it may be **ACCEPTED**, and the filing will be deemed effective and completed on the date on which it originally was electronically filed. If the filing is not completed within two business days, it will be moved from **PENDING** status to **REJECTED** status.

5. In the event that the submitted document is **REJECTED** following review, the document is not filed and shall not become part of the official court record, and the filer will be required to re-submit and file the document to meet any filing requirements or deadlines.

(K) **SYSTEM FILING ERRORS**

1. If the electronic filing is not filed with the court because of an error in the receipt of the document by the court's electronic filing system due to circumstances under the Court's or Clerk of Court's control, the court may, upon satisfactory proof, enter an order permitting the document to be filed nunc pro tunc to the date it was sent electronically.

2. In the event of a technical failure which renders the clerk of court's eFiling interface non-functional for more than one hour, the clerk may provide notice on its website indicating the anticipated resolution time and what steps filers should take in the interim. In the discretion of the clerk or by order of a judge of the court, these steps may include a period of time where paper/facsimile filing is required or permitted.

(L) **ELECTRONIC SERVICE OF FILINGS AND OTHER DOCUMENTS.** Whenever a document is filed electronically through the court's electronic filing system, the system will generate a notification of electronic filing to the filing party or its designated counsel.

1. **COMPLAINT AND RELATED DOCUMENTS.** Upon electronically filing the original complaint, third party complaint, or any pleading that adds a new party, the filing party shall also file instructions for service electronically. The clerk shall issue a summons and process in the designated method of service in accordance with the Civil Rules.

2. When serving a pleading, the clerk shall cause service copies to be produced in lieu of copies being furnished by the parties. The Clerk shall charge a fee of \$0.25 per page per service copy produced and shall assess those fees as costs against the funds on deposit.

3. SERVICE OF DOCUMENTS AFTER THE COMPLAINT

(a) **E-SERVICE.** The electronic service of a subsequent pleading, filing or other documents in eFile cases shall be considered as valid and effective service on all parties and shall have the same legal effect as an original paper document served under former rules. Pro se parties or attorneys who have not registered with the court's electronic filing system shall be served a paper copy by the filing party, not the court or clerk, in accordance with the applicable rules of civil procedure.

(b) **CERTIFICATE OF SERVICE.** A certificate of service on all parties entitled to service is still required when a party files a document electronically. The certificate must state the manner in which service was accomplished on each party so entitled.

(c) **SERVICE OF PROPOSED ENTRIES AND ORDERS.** It shall be the responsibility of the filing party, not the court or clerk, to serve all proposed entries and orders submitted to the court for signature on all parties. Proposed orders should include a certificate of service as set forth in section (L)(3)(b) of this rule.

4. **SERVICE ON PARTIES—TIME TO RESPOND OR ACT.** E-Service shall be deemed complete at the time a document has been received by the court's electronic filing system as reflected by the effective date and time appearing on the electronic transmittal. Effective with the commencement date of electronic filing, any period of time to respond to the served document or perform any right, duty, or act shall be strictly governed by the applicable rules of the court. Parties served electronically are entitled to the same three-day extension of time to respond as if they had been served by mail.

5. **FAILURE OF ELECTRONIC SERVICE.** If service on a party does not occur, the party to be served may be entitled to an order extending the date for any response or the period within which any right, duty or act must be performed, or the Court may strike the pleading from the record.

(M) CONVENTIONAL FILING OF DOCUMENTS

1. Notwithstanding the foregoing, the following types of documents may be filed conventionally, unless expressly required to be filed electronically by the court:

(a) **CONFIDENTIAL INFORMATION.** Personal data identifiers should be filed under separate cover in accordance with these rules.

(b) **DOCUMENTS FILED UNDER SEAL.** A motion to file documents under seal shall be filed and served electronically. However, the documents to be filed under seal shall be filed in accordance with these rules.

(c) **DOCUMENTS TO BE PRESENTED TO A COURT IN CAMERA.** Documents to be presented to a court In Camera, solely for the purpose of obtaining a ruling on the discoverability of such documents shall be filed in accordance with these rules.

(d) **EXHIBITS.** Exhibits or other items that may not be comprehensibly viewed in an electronic format may be filed and served conventionally.

(N) COLLECTION OF FILING DEPOSIT AND FEES

1. The clerk of courts shall assess normal filing fees, and case deposits will be collected via a financial transaction device (electronic means) at the time the filing is processed.
2. Any document requiring payment of a filing security deposit or a fee to the clerk of courts in order to achieve valid filing status shall be filed and paid electronically in the same manner as any other eFile document.
3. Pursuant to §301.28(E) and (F) of the Revised Code, a non-refundable surcharge or convenience fee for electronic payment type will be assessed by the clerk of courts. The fee structure will include said surcharge or convenience fee to help defray the costs of accepting payments electronically.
4. The electronic filing system will establish a means to accept payment of deposits and fees electronically, including the process for filing an affidavit of indigence.
5. The clerk shall charge for the printing of pleadings, notices, orders, and other copies for service at the rate of \$0.25 per page.
6. The clerk shall post a notice, as required by R.C. §301.28(E), in that office and on the eFile portal, notifying each person making a payment by a financial transaction device about the non-refundable surcharge or fee.

(O) **PUBLIC ACCESS TERMINAL.** The public can view electronically filed documents in the clerk's office. Users shall be charged for printed copies of documents at the rate of \$0.10 per page.

RULE 127: ELECTRONIC RECORD IS OFFICIAL COURT RECORD

(A) **DEFINITIONS.** See Local Rule 126 for definitions of terms used in this section.

(B) **OFFICIAL COURT RECORD**

1. As of October 1, 2020, the electronic record of the court's case files, stored in the court and clerk's Case Management System and Document Management System will constitute the Official Court Record of the court.
2. An electronic record is any document that a court will: (a) receive in electronic form, (b) record in its case management system, or (c) store in its document management system.
3. The Electronic Record may include documents that have been electronically filed as well as documents filed in paper format that have been scanned and uploaded to the electronic filing system.
4. The Electronic Record will not include physical exhibits brought into the courtroom for the Court's or jury's edification or documents and things which are not susceptible to capture in electronic form.
5. Although there may be a physical case file associated with a case, the electronic case record will serve as the Official Court Record.
6. For documents that have been electronically filed or documents filed in paper format that have been scanned and uploaded to the electronic filing system, the electronic version constitutes the Official Court Record.
7. Electronically stored documents have the same force and effect as those traditionally stored in tangible form.
8. Any records that exist only in paper form will constitute the Official Court Record.

(C) RECORD LONGEVITY

1. The Clerk of Court along with the Court will establish an Electronic Records Management methodology, including the storage of Metadata, a "Continuum of Care" of the records for preservation over time, and redundant storage mechanisms to ensure the near term preservation of the court record in the event of a localized natural or man-made disaster.
2. With the introduction of this robust and fault tolerant storage methodology, the need for microfilming of court records has been eliminated.
3. The retention schedule for each case type shall be considered permanent unless otherwise noted in these rules or in the Rules of Superintendence.

RULE 128: CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (CQE)

(A) This purpose of this local rule is to define the specific local court requirements that support a Petitioner's Application for a Certificate of Qualification for Employment (CQE) as set forth in the Revised Code.

(B) This Rule applies to persons eligible to file in this Court pursuant to Revised Code 2953.25. The application shall be accompanied by the filing fee required by Revised Code 2953.25, which is \$50.00 at the time of the adoption of this rule.

(C) A Petition shall be accompanied by a completed copy of the most recent version of the forms prescribed by the division of parole and community services. The Petitioner shall file an Original and four (4) copies of all documents to be filed with the Petition.

(D) Upon receipt of the petition and filing fee, the Clerk shall assign a miscellaneous case number to the file and randomly assign a judge to the matter. The Clerk shall immediately provide unreacted copies of the Petition and associated documents to the Court and Prosecutor. The Clerk shall ensure that all Personal Identifiers as defined in Superintendence Rule 44 are not disclosed beyond the copies to be given to the Court and Prosecutor.

(E) The Clerk shall also send redacted copies of the Petition to all other Courts identified in the Petition as having convicted the Petitioner. The Clerk shall accept and file any comments regarding the possible issuance of the certificate. This is pursuant to R.C. 2953.25(B)(5)(b)

(F) The Court shall allow a reasonable amount of time for the Prosecutor to investigate the matter, and for any other courts to file any comments regarding the possible issuance of the certificate prior to any hearing on the matter.

(G) The Court may order any additional report, investigation, or disclosure by the Petitioner that it believes is necessary to reach a decision.

(H) The Clerk shall provide a certified copy of the judgment entry in such matters to the Ohio Department of Rehabilitation and Corrections.

RULE 129 – COVID 19 POSTAL SERVICE

The Court hereby finds that the COVID 19 signature protocols comport with due process and the Civil Rules regarding Service by Certified Mail. See https://faq.usps.com/s/article/USPS-Coronavirus-Updates-for-Residential-Customers#mailing_shipping (Accessed May 25, 2022). See also <http://www.ohiojudges.org/letter-on-certified-mail> (Accessed May 25, 2022). The Court

will accept COVID 19 Signature protocols as good service for Certified Mail in all cases.
This Rule shall have retroactive application.

RULES UNIQUE TO CIVIL CASES

RULE 201: FILING OF JUDGMENT ENTRY IS ENTRY OF JUDGMENT

The filing of a Judgment Entry by the Court with the Clerk of Court constitutes entry of the judgment. No judgment shall be final until it has been date-stamped by the clerk.

RULE 202: RESPONSES TO PLEADINGS AND MOTIONS

In accordance with Civil Rule 6(C), responses to written motions, other than motions for summary judgment, may be served within fourteen (14) days after service of the motion. Responses to motions for summary judgment may be served within twenty-eight (28) days after service of the motion. A movant's reply to a response to any written motion may be served within seven (7) days after service of the response to the motion.

RULE 203: APPLICATION FOR DEFAULT JUDGMENT

- (a) Judgment by Default shall be taken in accordance with Civil Rule 55. If the party against whom judgment by default is sought has appeared in the action, he or she shall be served with written notice of the application for judgment at least seven days prior to the hearing on such application.
- (b) A party shall be deemed to have "appeared in the action" as those words are used in Civil Rule 55(A) when he or she has done some overt action expressing an intention and purpose to defend the suit. Writing a letter to the Court does not necessarily constitute an "appearance" in an action. No notice of application or motion for default judgment shall be required to be made on any party who has not answered, pled, or otherwise previously appeared in the action.
- (c) In accordance with Civil Rule 55, no judgment by default shall be entered against a minor or an incompetent person unless represented in the action by a guardian or other such representative who has appeared therein. The Court will generally not grant default judgment against any party unless a motion for default judgment is accompanied by an affidavit in which the affiant states that, to the best of affiant's knowledge, the party against whom judgment by default is sought in neither a minor nor incompetent nor actively serving in the military.
- (d) If, in order to enable the Court to enter judgment or to carry it into effect, it is necessary to determine the amount of damages or to make an investigation of any other matter, the Court may schedule the matter for a hearing on liability and/or damages before ruling on a motion for default judgment. All parties and all counsel of record shall attend said hearing. When a hearing is scheduled, the Court may allow the moving party to submit supplemental pleadings/affidavits in advance of the hearing, and if default judgment is granted in advance of the hearing, the hearing will be canceled.

RULE 204: SUBMISSION OF MOTIONS

- (a) Written motions filed with the Court in civil cases will generally be determined after the Court's review thereof. The Court will only schedule oral arguments pertaining to written motions on application and the demonstration of a legitimate need for oral argument.
- (b) The moving party should generally file and serve along with the motion a written memorandum in support of the motion and shall include appropriate citation to any legal authorities relied upon. If the motion requires consideration of facts not appearing in the record, the movant shall serve and file copies of all appropriate affidavits, depositions, photographs, or documentary evidence which the movant desires to submit in support of the motion.
- (c) Each party opposing a motion shall serve and file a written memorandum in response stating his or her reasons for opposing the motion and shall include appropriate citation to any legal authorities relied upon. If the motion requires the consideration of facts not appearing in the record, the respondent shall serve and file copies of all appropriate affidavits, depositions, photographs, or documentary evidence which the respondent desires to submit in opposition to the motion.
- (d) Reply or additional briefs upon motions and submissions should be filed only with leave of the Court and upon a showing of good cause.
- (e) The Court will generally not consider motions for "reconsideration" or the like after the Court has considered and ruled on any motion, issue, or claim. The Court's lack of ruling on any such motion should be considered to be a denial of said motion.

RULE 205: SCHEDULING CONFERENCE OR SCHEDULING ORDER

- (a) If a defendant files an Answer, the case might, at the discretion of the assigned Judge, be scheduled for a Scheduling Conference, or the Court might issue a Scheduling Order.
- (b) In the event that a Scheduling Conference is scheduled, the attorneys of record may attend the Conference in person, or with prior permission of the Court, they may attend and participate by phone. In the event that a Scheduling Conference is scheduled, the purpose of the Scheduling Conference will be to schedule deadlines for the completion of discovery and for the filing of dispositive motions and to advise the parties of an approximate date on which a Final Pretrial Hearing will be conducted if such should become necessary. The Judge or Magistrate presiding might also address other issues or take other actions which may be warranted.

- (c) Irrespective of whether a Scheduling Conference is conducted, the Court will, at some point, issue a written Order documenting deadlines for the completion of discovery and for the filing of dispositive motions, and the dates on which the Final Pretrial Hearing and the Trial of the case will be conducted.

RULE 206: FINAL PRETRIAL HEARING

- (a) Cases not resolved by settlement or by ruling on a dispositive motion shall come before the Court for a Final Pretrial Hearing, which shall be presided over by either the assigned Judge or by the Magistrate.
- (b) All unrepresented parties and all attorneys of record shall personally attend the Final Pretrial Hearing. Parties represented by counsel shall either be present or be available by telephone with full settlement authority. All attorneys attending the Final Pretrial Hearing must have full settlement authority and the authority to make admissions and/or stipulations on items of evidence so as to shorten the time and expense of Trial.
- (c) The purpose of the Final Pretrial Hearing shall be to affect an amicable settlement of the case, if possible, or to narrow the factual and legal issues in dispute by stipulation.
- (d) If the case cannot be amicably settled, each party shall be prepared to discuss all of the following issues during the Final Pretrial Hearing: (1) whether the case should be referred to Mediation; (2) the factual and legal issues that are still in dispute; (3) stipulations; (4) special legal problems anticipated; and (5) estimated length of trial.

RULE 207: ASSIGNMENT OF CIVIL CASES FOR TRIAL

- (a) Trials of criminal cases shall take precedence.
- (b) The prior commitments of attorneys of record to be present in other courts will generally be honored by the Court when scheduling trials in civil cases.
- (c) Written notice of the date and time of scheduled trials will be sent by the Court to all unrepresented parties and to all attorneys of record.
- (d) If a party is seeking a jury trial in a civil case, the party must submit a \$500 jury deposit to the clerk of courts within 10 days of making the request. If the case is resolved after the jury has been assembled, the deposit will be retained by the court. Failure to make the jury deposit within 10 days of making the request will be deemed to be a waiver of the jury by that party.
- (e) When a case which has been assigned for trial is settled, counsel for the parties seeking affirmative relief shall immediately notify the Court and shall submit any

Judgment Entry or other documentation required to close the case prior to the scheduled trial date.

- (f) If a party seeking affirmative relief, either in person or by counsel, fails to appear for a scheduled trial, the Court may enter an order dismissing the party's claim for lack of prosecution. If a Defendant fails to appear for trial and the party seeking affirmative relief does appear, the Court may order that the party seeking relief proceed with the case, and the Court shall then decide and determine all matters ex parte.

RULE 208: FILING OF DISCOVERY MATERIALS

- (a) Pursuant to Rule 5(D) of the Ohio Rules of Civil Procedure, the clerk will not accept any of the following for filing: depositions upon oral examination, interrogatories, requests for documents, requests for admissions and answers, or responses thereto, unless (1) the court otherwise orders, (2) they are to be used as evidence, or (3) they relate to a pending motion and are attached in support.
- (b) All filings of depositions must conform to the Ohio Rules of Civil Procedure. The clerk will not accept for filing an envelope containing more than one deposition.
- (c) Upon receipt of deposition, the clerk will file-stamp the deposition, place the deposition back into the envelope in which it was delivered, and reseal the envelope. Before an interested person views the deposition, the clerk will unseal the deposition, initial and date the envelope, and record on the envelope the person's name who has requested to view the deposition. The interested person may then view the deposition in the presence of the clerk. This rule is not intended to limit any person's access to depositions filed with the clerk, but to preserve the integrity of the depositions and exhibits appended thereto. This rule shall apply unless a protective order is placed on the cover of the deposition or an order sealing the deposition is placed on the cover of the deposition.

RULE 209: ASSIGNMENT, REFILE, TRANSFER, & CONSOLIDATION OF CASES

- (a) Assignment: Upon the filing of a complaint in a civil action, the clerk will randomly assign the case to a specific judge. The clerk will place the name of the trial judge to whom the case is assigned on the file. The assigned judge will retain the case until final disposition. All preliminary matters, including requests for continuances, will be submitted for disposition to the judge to whom the case has been assigned or, if the assigned judge is unavailable, to the administrative judge. All entries, including dismissal entries, must be presented to and signed only by the assigned trial judge. Nothing in this rule will prevent the transfer of a case or cases from one judge to another with the concurrence of the administrative judge and the judges involved.

- (b) Refiling: If a case is dismissed and subsequently refiled, the refiled complaint shall contain the following designation: "THIS IS A REFILED CASE." The trial judge to whom the case was previously assigned will be reassigned to the refiled case.
- (c) Transfer: When actions involving common questions of law or fact are pending before different judges, the court or a party in the highest numbered case may move to transfer the highest numbered case to the judge having the lowest numbered case. If the transfer is approved by the trial judges in both cases, a party in either case may file a motion with the judge who will handle the cases to consolidate the actions, subject to the provisions of Rule 42(A) of the Ohio Rules of Civil Procedure. The motion must be filed in each case that the movant seeks to consolidate.
- (d) Transfer to Municipal Court: Each judge reserves the right to transfer, to the Marion Municipal Court, appropriate civil cases where the amount in controversy does not exceed that court's jurisdictional limit.
- (e) Consolidation: Consolidated cases will be deemed assigned to the trial judge having the lowest numbered case. The case schedule of the lowest numbered case will control the proceedings of consolidated cases unless otherwise ordered by the court.

RULE 210: COGNOVIT JUDGMENTS

- (a) No judgment on a cognovit note shall be allowed unless there is submitted with the Complaint, Answer, and Entry the original note upon which such action is founded. At the time of granting judgment, the Clerk shall endorse on said note the fact that it has been reduced to judgment. On all complaints for cognovit judgment, a true copy of the original note with all its endorsements shall be attached and marked as an exhibit.
- (b) Interest shall be computed to the day of the rendition of the judgment and included in the amount of the judgment.
- (c) Cognovit notes upon which judgment are taken shall be delivered to the Clerk and remain in his or her possession after judgment until final disposition of the case, after which time he or she may dispose of the original note, unless, by special order of the Court, he or she is directed otherwise. On release of the judgment, the Clerk shall deliver the original note to the party or their counsel paying the judgment, unless the amount of the judgment is paid to the Sheriff or to the Clerk, in which case the note shall be delivered to the person making payment.
- (d) Counsel Fees: In all cognovit judgment cases where an attorney appears on behalf of the defendant, he or she shall be paid a fee of \$5.00 in all cases where

the judgment is not more than \$200.00, \$10.00 where the judgment is more than \$200.00 but not more than \$3,000.00, and \$15.00 where the judgment is more than \$3,000.00, and the fee shall be taxed as costs by the Clerk against the defendant in the case.

RULE 211: GARNISHMENTS

- (a) A party who obtains a judgment against another party may garnish the personal earnings of the person against whom judgment was obtained only through a proceeding in garnishment of personal earnings and only in accordance with the provisions of Chapter 2716 of the Ohio Revised Code.
- (b) A person who obtains a judgment against another person may garnish the property, other than personal earnings, of the person against whom judgment was obtained, if the property is in the possession of a person other than the person against whom judgment was obtained, only through a proceeding in garnishment and only in accordance with the provisions of Chapter 2716 of the Ohio Revised Code.

RULE 212: ENTRIES

If requested by the trial judge, counsel for the party in whose favor a decision, order, decree, or judgment is rendered shall submit to the trial judge a proposed Judgment Entry that has been reviewed and approved by all counsel. If counsels are unable to agree upon the proposed Entry, the proposed Entry should be submitted to the trial judge for review.

RULE 213: ASSIGNMENT OF JUDGMENTS

No assignment of a judgment shall be recognized by the Clerk of Court unless such assignment is pursuant to a written agreement and bears the acknowledgment of the assignor.

RULE 214: SATISFACTION OF JUDGMENTS

It shall be the duty of the Plaintiff or Plaintiff's counsel to immediately have an entry of satisfaction of judgment made upon the docket within thirty (30) days after final payment or upon written demand after final payment. If the judgment, interest, and costs were paid to the Clerk of Court, the Court may docket the judgment as satisfied. Failure to so satisfy may result in the assessment of costs against the offending party or counsel.

RULE 215: SETTLEMENT AND DISMISSAL OF CASES

- (a) Settlement: As soon as the parties have reached a settlement agreement prior to the trial date, Plaintiff's counsel shall both immediately notify the Court by telephone and file written notice of the settlement with the Court. Failure to do so

may result in sanctions, including but not limited to jury costs if notice of settlement is not given at least twenty-four (24) hours prior to the trial date. If settlement is reached by mediation, the mediator should provide written notice to the Court.

- (b) Dismissal: Notice must be provided to the Court of dismissal and/or partial dismissal. The notice must indicate which parties have settled, which parties (if any) remain, and which claims (if any) are still pending.
- (c) If a settled case is not dismissed within thirty (30) days of notification to the Court, the Court may administratively dismiss the case.
- (d) The Court shall quarterly review all civil cases pending on the Court's civil docket. Cases which have been on the docket for six (6) months without any action or proceedings taken, shall, after notice, be dismissed for want of prosecution unless good cause be shown to the contrary.

RULE 216: CASE FLOW

It will be the goal of the Court that 90% of all civil cases should be settled, tried, or otherwise concluded within twelve (12) months of filing, and 99% within twenty-four (24) months of filing, except for cases in which the Court determines exceptional circumstances exist.

RULE 217: SECURITY FOR COSTS

- (a) No civil action or civil proceeding shall be accepted by the Clerk for filing in civil cases unless the party or parties offering the same for filing has first deposited a sum to secure the payment of the costs that may accrue in each action or proceeding, except as otherwise provided by law.
- (b) The advance deposit shall be in accordance with the schedule approved by the Court and prepared and published by the Clerk.
- (c) The schedule approved by the Court and prepared and published by the Clerk may be modified by the Judges of the General Division of the Common Pleas Court of Marion County, and any modification shall be effective upon posting the new schedule in a conspicuous place in the Office of the Clerk of the Court of Common Pleas.
- (d) For the purposes of this Rule, a "civil action" means any pleading as permitted by Civil Rule 7.
- (e) For the purposes of this Rule, a "civil proceeding" means any application to the Court for an order.

- (f) When the Clerk has determined that costs in a case that is still active have exceeded the deposit, the Clerk shall require an additional deposit of the same amount as when the case was originally filed.
- (g) In cases where service by publication is necessary, payment for the legal notice is to be made directly to the newspaper, but such amount may be taxed as costs.
- (h) An Affidavit of Poverty, filed pursuant to R.C. 2323.30, shall state the reasons for inability to advance security for costs, and is subject to review by the Court at any stage of the proceedings.
- (i) If filed by an inmate of a State Institution, an Affidavit of Poverty shall be accompanied by a Certificate of the Superintendent or other appropriate officer of the institution setting forth the amount of funds, if any, which the inmate may have on deposit with the institution available to the inmate to secure costs. If the Certificate demonstrates that the inmate has sufficient funds available to him to secure the costs, the Clerk shall not file the Complaint until the costs are secured.
- (j) Upon final judgment, the Clerk of Courts is directed to apply any and all security deposits to the costs in the case, regardless of the party against whom costs are assessed. The Clerk shall then deliver a statement of costs to the party against whom costs were assessed. Upon payment by the responsible party, the depositors shall be reimbursed.
- (k) All final entries shall state exactly which party is responsible for payment of costs.

RULE 218: RECEIVERS AND ATTORNEYS

- (a) A written notice of not less than two (2) days shall be given to the opposite party of all applications for appointment of a receiver, unless the Court, upon good cause stated in the pleading or affidavit filed therewith, dispenses with same. Such notice shall state the time when application will be made.
- (b) A party against whom a temporary injunction has been issued or for whose property a receiver has been appointed without notice shall be entitled to a hearing upon a motion to dissolve such injunction or dispense with the receivership at the earliest practicable time.
- (c) Before a receiver will be appointed, the person making application for the receivership shall make a deposit with the Clerk in the amount of \$100.00 as security for costs.
- (d) All receivers must file an inventory of the property coming into their hands as such receivers within thirty (30) days after appointment unless the time is extended by the Court.

- (e) Receivers shall make quarterly reports. The first report shall be filed within three (3) months after date of appointment, and subsequent reports shall be filed quarterly thereafter. Failure to file any report within thirty (30) days after due shall be grounds for removal without notice and without compensation.
- (f) Any person removed as receiver for failure to comply with these rules shall be ineligible for subsequent appointments. Receipts for all monies paid out by receivers must be filed with the report.
- (g) Fees of receivers and their attorneys shall be allowed only upon application filed in the cause with an affidavit setting forth in detail the services rendered in the case. Written notice of the time and place of the hearing of said application may be required by the court to be served upon all counsel, parties known, and creditors, a reasonable time before hearing unless all counsel and parties agree. The court may direct that notice be given by publication or in such other manner as it deems proper.

RULE 219: APPRAISER FEES

- (a) Appraiser Fees for the appraisal of real estate in foreclosure actions be and hereby is fixed at \$50.00 per parcel pursuant to O.R.C. 2335.01.
- (b) Compensation for Appraisers shall be taxed as costs.

RULE 220: FEES FOR DEPOSITIONS

Fees for depositions shall be collected by the officer taking the deposition. The deposition may be retained by the officer until the fees are paid in full, before filing said deposition with the Clerk of this Court.

RULE 221: EVIDENCE OF TITLE IN JUDICIAL SALES OF REAL ESTATE

In every action demanding the judicial sale of real estate, the party seeking that judicial sale shall file with the clerk of the court of common pleas within fourteen days after filing the pleadings requesting relief a preliminary judicial report on a form that is approved by the Department of Insurance that is prepared and issued by a duly licensed title insurance agent on behalf of a licensed title insurance company or by a title insurance company that is authorized by the Department of Insurance to transact business in this state. The preliminary judicial report shall be effective within thirty days prior to the filing of the complaint or other pleading requesting a judicial sale and shall include at least all of the following:

- (1) A legal description of each parcel of real estate to be sold at the judicial sale;

- (2) The street address of the real estate or, if there is no street address, the name of the street or road upon which the real estate fronts together with the names of the streets or roads immediately to the north and south or east and west of the real estate;
- (3) The county treasurer's permanent parcel number or other tax identification number of the real estate;
- (4) The name of the owners of record of the real estate to be sold;
- (5) A reference to the volume and page or instrument number of the recording by which the owners acquired title to the real estate;
- (6) A description of the record title to the real estate; however, easements, restrictions, setback lines, declarations, conditions, covenants, reservations, and rights-of-way that were filed for record prior to the lien being foreclosed are not required to be included;
- (7) The name and address of each lienholder and the name and address of each lienholder's attorney, if any, as shown on the recorded lien of the lienholder.

Prior to submitting any order or judgment entry to a court that would order the sale of the residential real estate, the party submitting the order or judgment entry shall file with the clerk of the court of common pleas a final judicial report that updates the state of the record title to that real estate from the effective date of the preliminary judicial report through the date of lis pendens and includes a copy of the court's docket for the case. The cost of the title examination necessary for the preparation of both the preliminary judicial report and the final judicial report together with the premiums for those reports computed as required by the department of insurance, based on the fair market value of the real estate, or in the case of a foreclosure, the principal balance of the mortgage or other lien being foreclosed on or any other additional amount as may be ordered by the court shall be taxed as costs in the case.

RULE 222: GUARDIAN AD LITEM OR TRUSTEE

Only an attorney duly licensed to practice law in the State of Ohio shall be appointed as Guardian Ad Litem or Trustee in any matter or proceeding before this Court.

The Court shall allow reasonable fees, either in a flat amount, or hourly, depending on the skill, time, or expertise necessary in the matter. These fees shall be taxed as costs in the case.

Special application and order may be made in situations not covered by these rules.

RULE 223: FORECLOSURE MEDIATION

- (a) "Foreclosure Mediation" means mediation in a case where judicial sale or transfer of real estate is part of the requested relief in the case.

(b) “Mediator” means an individual who conducts the mediation or dispute resolution.

(c) Cases may be referred for foreclosure mediation if a party requests mediation and files the appropriate deposit with the Court. A deposit of \$200 shall be deposited, \$100 by the Party requesting the mediation, and \$100 by the opposing party.

(d) County initiated foreclosures for delinquent taxes shall not be subject to mediation unless the moving party can demonstrate that the County has not been willing to act in good faith, and that mediation would have a reasonable probability of resolving the case. The Treasurer not wishing to offer a subsequent payment plan after complying with R.C. §323.31 is not a failure of good faith for purposes of this rule.

(e) The mediator shall be entitled to the \$100 after mediation is initiated, even if a settlement is reached prior to the mediation being held.

RULE 224 PROCEDURE IN FORECLOSURE MEDIATION

If, in accordance with all applicable provisions of this rule, a case is deemed appropriate, mediation will be scheduled.

(a) Pre-screening: A mediator may meet with the parties individually prior to bringing the parties together for any reason including but not limited to further screening.

(b) Referral to outside resources: The efforts of the mediator shall not be construed as legal advice. The Court may have materials for legal or other support services available in the community. The mediator is authorized to provide such resource information, but such distribution shall not be construed as a recommendation of or referral to such resource. The recipient of the information is charged with the duty to evaluate those resources independently.

(c) Participation, Duties of Attorneys/Parties: All parties shall act in good faith and comply with the “Uniform Mediation Act” (Ohio Revised Code Chapter 2710)

(d) Confidentiality/Privilege: All mediation communications related to or made during the mediation process are subject to and governed by the “Uniform Mediation Act” (Ohio Revised Code Chapter 2710), the Rules of Evidence, and any other pertinent rules.

(e) Mediator Conflicts of Interest: The mediator shall disclose any conflicts that may affect the mediator’s impartiality as soon as they become known to the mediator.

(f) Termination: If the mediator determines that further mediation efforts would be of no benefit to the parties, he or she shall inform all interested parties that the mediation is terminated.

(g) Stay of Proceedings: All court orders shall remain in effect. No order is stayed or suspended during the mediation process unless ordered by the Court.

(h) Mediator Report: At the conclusion of the mediation (and in compliance with R.C. 2710.06), the Court shall be informed by the mediator of the status of the mediation, including all of the following: whether the mediation occurred or was terminated; whether a settlement was reached on some, all or none of the issues; attendance of the parties; and future mediation session(s), including the date and time.

RULE 225: CASE DESIGNATION SHEET –

The following case Designation Sheet, attached as **Appendix A** to these rules, or a form substantively similar, shall be filed with all new civil complaints, other than electronically filed complaints and civil protection order cases. The failure to file such a sheet shall not be cause for the Clerk to reject a filing. The Court may dismiss an action or order other appropriate relief against any party or counsel who fails to comply with this rule.

RULE 226: ORDINARY MAIL

In all cases where United States Mail service is requested by a party based upon prior Certified, Express Mail, or Commercial Carrier being returned as Service Refused or Unclaimed, the Clerk shall proceed under Civil Rule 4.6.

If United States Mail Service is requested after a failure of service under Civil Rule 4.1 as unclaimed or refused, other than a new request for Certified or Express Mail under Civil Rule 4.1, the Clerk shall treat the request as what Rule 4.6(C) and (D) call a “written request for ordinary mail service,” regardless of alternative wordings such as “normal,” “regular,” etc.

In these situations “...the clerk shall send by United States ordinary mail a copy of the summons and complaint or other document to be served to the defendant at the address set forth in the caption, or at the address set forth in written instructions furnished to the clerk. *The mailing shall be evidenced by a certificate of mailing which shall be completed and filed by the clerk.*” Civ. R. 4.6(C) and (D). (Emphasis added). The US Post office refers to this as first-class mail with a certificate of mailing.

This is not intended to modify Civil Rule 5 or any other Ohio Civil Rule.

RULE 227: COURT FILING FOR MOTOR VEHICLE CERTIFICATE OF TITLE

(A)(1) Revised Code 4505.10 – Certificate of title when ownership changed by operation of law.

- (a) Only a Marion County Resident may file for a Certificate of Title in the Marion County Common Pleas Court.
- (b) If the prior owner/title holder is deceased, please use proper probate procedures in Family Court.
- (c) Pursuant to Ohio Revised Code §4505.10(A), apply to the Marion County Clerk of Courts – Title Division, for a title. Attach any documentation and denial to the petition.
- (d) The Petitioner shall file for a vehicle title record with the BMV (Form 1173 when this rule was created). A copy of those results shall be attached to the petition as an Exhibit.
- (e) Additionally, if the vehicle was obtained from another state or jurisdiction, the Petitioner shall obtain a search of the records of that state or jurisdiction and attach a copy of that search as an exhibit to the petition.
- (f) The Petitioner shall list the name and last known address of the party who owned the vehicle in question.
- (g) If there is evidence of any lien on the motor vehicle, any newly issued title under this rule shall include that lien, unless satisfactory proof of the extinguishment of that lien is presented.
- (h) The Petitioner shall attach copies of any other relevant documentation for the Court. The Petitioner shall retain all originals.
- (i) A Petition for a title shall be accompanied by the normal filing fee in Civil Cases and shall proceed as a civil case.
- (j) The law requires attempts to contact the relevant owner and lienholders. The Clerk shall attempt Service by Certified Mail and Ordinary Mail simultaneously with the filing of the Petition. If the addresses of record are not valid, this does not cancel the hearing or preclude the grant of a new title.
- (k) A filing for a title does not guarantee that a title will be issued. The Court shall grant or deny the petition based on the sufficiency of the evidence presented to the court.

(2) The following are not eligible to file under this rule per Ohio law:

- (a) When you are owner of a repair garage or storage facility in possession of a vehicle valued at less than \$3,500.00 after deduction of repair and storage fees, which vehicle has remained unclaimed by the owner more than fifteen day after notice to reclaim the vehicle (See O.R.C. Section 4505.101 and BMV Form 4202)
- (b) When you are the operator of a manufactured home park attempting to remove a tenant's manufactured home from the home park property (See O.R.C. Section 3733.091 and 1923.12)
- (c) When you are a pawnbroker seeking forfeiture and title to a motor vehicle that has not been redeemed by the owner after expiration or breach of the loan secured by that motor vehicle(See O.R.C. Section 4505.102)

(d) When a motor vehicle, whether a “junk motor vehicle” or not, has been abandoned on private property owned by you; and you do not want title to the motor vehicle, but rather simply want it moved or disposed of (See O.R.C. Section 4513.60 through 4513.65, inclusive).

RULES UNIQUE TO CRIMINAL CASES

RULE 301: COMPLAINTS BY PRIVATE INDIVIDUALS

The Court will not accept or file complaints or indictments signed by private individuals.

RULE 302: WAIVER OF RIGHT TO SPEEDY TRIAL

(a) Defendants in traffic and criminal cases who are willing to waive their constitutional and statutory rights to a speedy trial are encouraged to do so by filing a written waiver of that right. The Court will always honor the wishes of any Defendant who wants to exercise his or her right to a speedy trial, and the exercise or waiver of that right is a matter of choice for each Defendant to make. The waiver of that right does give the court more flexibility in the scheduling of hearings and trials, so the waiver of the right, provided it is knowingly and voluntarily executed, is always appreciated.

(b) Unless and until a Defendant waives his or her right to a speedy trial, the court will presume that said right has not been waived, and the Defendant's case will be scheduled for trial within the time provided by law.

RULE 303: NOTICE OF APPEARANCE AS COUNSEL

The attorney who is to try the case, upon being retained or appointed, shall immediately notify the Court that he or she is the trial attorney by filing a written notice of appearance with the Clerk of the Court and/or by signature and filing of any pleading in the case.

RULE 304: COURT-APPOINTED COUNSEL

(a) When it appears to the Court that a Defendant in a criminal case is indigent, the Court shall utilize a list of attorneys available for appointment to represent the Defendant. A \$25.00 application fee will be assessed to the Defendant unless waived by the Court.

(b) Attorneys in private practice who wish to be appointed by the Court to represent indigent Defendants must first have their names added to the list of court-appointed counsel that is maintained by the Court. Any eligible attorney whose name does not appear on the list may have his or her name added thereto upon approval by the Court. In order to be approved by the Court, an attorney must be licensed in Ohio and in good standing and must maintain professional liability (malpractice) insurance in the amount required by the Ohio Rules of Professional Conduct. Attorneys appointed by the Court shall diligently perform their duties as warranted by the facts of the cases in which they are appointed, they shall appear as scheduled at all hearings, and they shall act in a professional manner at all times. Failure to comply with any of these duties will result in removal from the list of court-appointed counsel.

(c) If an attorney who was appointed by the Court to represent an indigent Defendant receives information clearly establishing that the Defendant has perpetrated a fraud upon the Court by misrepresenting to the Court that he or she lacks sufficient income or other means to employ counsel, the attorney shall promptly call upon the Defendant to rectify the fraud, and if the Defendant fails or refuses to do so, the attorney shall reveal the fraud to the Court. If the Court cancels the appointment, the Defendant shall be advised by the Court that he or she is free to employ counsel of his or her choice.

(d) The attorneys who serve as court-appointed counsel shall be compensated pursuant to the Resolution of the Marion County Commissioners relating to the compensation of attorneys for indigent Defendants that was in effect on the date that the attorney was appointed.

(e) In order to assist Marion County in obtaining reimbursement from the State Public Defender's Office, all attorney fee applications from assigned counsel shall be filed with the Court within thirty (30) days from the date on which the case is finally disposed by the Court. Any application for attorney fees received more than thirty (30) days from the date on which the case is finally disposed of in this Court shall not be paid.

(f) The Court will review the list of court-appointed counsel that is maintained by the Court at least once a year and will attempt to ensure an equitable distribution of appointments for the attorneys on said list.

RULE 305: PROBATION

In all cases where a defendant is placed on probation by this Court, and attorney fees have been paid by the County, these fees shall be repaid to the County either forthwith upon being placed on probation or in amounts paid thereafter as ordered by the Court.

In all cases where a defendant is placed on probation by this Court a supervision fee shall be paid by such probationer each month to the Clerk of this Court for the benefit of the County and this rule shall apply to all persons now on probation and in the future.

RULE 306 – VICTIMS OF CRIME

(a) The prosecuting Attorney, to the extent required by Article I, Section 10a of the Ohio Constitution or by the Revised Code, shall ensure that the alleged victim, upon request, be given notice of all public proceedings involving the alleged criminal offense against the victim and the opportunity to be present at all such proceedings.

Parties are encouraged to utilize the resources provided by the Supreme Court of Ohio for victims of crime to seek restitution in cases.

- (b) The Court designates the County Prosecutor as its designee for victim notifications under Article I, Section 10a of the Ohio Constitution and Revised Code Chapter 2930.
- (c) The Clerk shall serve the victims or their representatives who have requested notices under R.C. Chapter 2930 with all notices and court orders, regardless of whether the victim is listed for service in the notice or order.

RULE 307: FINAL PRETRIAL PROCEDURE

Being prepared for final pretrials in criminal cases gives Defendants and Victims due process and conserves public resources. Having to summons jurors when parties are not prepared to try a case is unfair to the jurors and citizens of Marion County.

- (a) The parties shall complete all discovery on all existing materials within the possession of the parties or their agents on or before the final pretrial, if an earlier deadline is not set. A failure to comply with this obligation may result in exclusion of evidence, dismissal of charges, or other sanctions.
- (b) The parties shall be fully prepared to advise the Court on whether the case is prepared for trial, and if any outstanding issue could prevent the trial from going forward at the final pretrial.
- (c) The parties shall provide proposed jury instructions at least seventy-two (72) hours prior to trial being set. The parties shall email the Judge's Assistant or Bailiff in a readily editable format (i.e. .docx or .doc)

RULE 308: CAPITAL CASES

Capital Cases are the most serious cases in our legal system. The nature, complexity, permanence, and costs are not comparable to any other kind of case. As such, the following additional responsibilities are placed on the Clerk and Prosecutor, in addition to all other requirements in such cases.

- (a) The Clerk shall serve the chambers of the Judge Assigned and the chambers of the Administrative Judge with a copy of the indictment and the notice to the Supreme Court under R.C. 29292.021 within two (2) hours or the end of the business day it is filed, whichever is sooner.
- (b) The Prosecutor shall serve the chambers of the Judge Assigned and the chambers of the Administrative Judge with a copy of the indictment and the notice to the Supreme Court under R.C. 29292.021 within two (2) hours or the end of the business day it is filed, whichever is sooner.
- (c) The Clerk shall expedite the processing of filings in any capital case as the highest priority above all other cases.

SPECIAL DOCKETS AND PROGRAMS

RULE 401: SPECIALIZED DOCKETS

All Specialized Dockets shall be administered by the Judge running the Specialized Docket pursuant to the relevant agreement with the Ohio Supreme Court.

APPENDIX A
MARION COUNTY COURT OF COMMON PLEAS
CLASSIFICATION FORM

CASE NO. _____

PLAINTIFF
vs.

CIVIL CASE DESIGNATION SHEET

Jury Demand Yes No

DEFENDANT

TYPE OF ACTION

- | | |
|---|--|
| <input type="checkbox"/> Professional Tort ----- A | <input type="checkbox"/> Product Liability ----- B |
| <input type="checkbox"/> Other Torts ----- C | <input type="checkbox"/> Worker's Compensation ----- D |
| <input type="checkbox"/> Foreclosure ----- E | <input type="checkbox"/> Administrative Appeal ----- F |
| <input type="checkbox"/> Complex Litigation ----- G | <input type="checkbox"/> Other Civil ----- H |

Check here if your case alleges a violation of the Ohio Consumer Sales Practice Act (R.C. Chapter 1345)

Will this be a case that may within 90 days be redesignated as a Complex Litigation Pursuant to Superintendence Rule 8.01 (B)? Yes No

REFILING INFORMATION

Is this a filing of a previous related case? Yes No If yes, please complete the following:

Case No.: _____ Assigned Judge: _____

Parties: _____ vs. _____

SUITS INVOLVING LIKE ISSUES AND SIMILAR PARTIES

Are there other cases pending that arise from the same incident or related parties? Yes No

If yes, please list:

Ohio Supreme Court Registration #

Attorney Signature of Party filing Suit

APPENDIX B

IN THE COMMON PLEAS COURT FOR MARION COUNTY, OHIO
GENERAL DIVISION

THE STATE OF OHIO : Case No. _____
Plaintiff :
VS. :
_____ :
Defendant :

APPLICATION TO PHOTOGRAPH, TELEWISE, RECORD OR BROADCAST PROCEEDINGS

Now comes _____ (Name & News Organization) and requests the Court, pursuant to Rule 119 of the Local Rules of the Marion County Common Pleas Court, General Division and the applicable Rules of Superintendence, for permission to photograph, televise, record, or broadcast the trial/hearing in the within case which is scheduled to be held on _____ (date).

Applicant states that the granting of this application would not result in the distraction of participants, impair the dignity of the proceedings, or otherwise materially interfere with the achievement of a fair trial or hearing.

Applicant agrees not to film, videotape, record, or take photographs of any victim or witness who objects to being filmed, videotaped, recorded or photographed.

Applicant agrees not to videotape, record or photograph any juror.

Signature

ORDER

Upon consideration, the Court hereby finds the Application (well-taken) (not well taken), and it is (sustained) (overruled).

JUDGE/MAGISTRATE

APPENDIX C
Marion County Common Pleas Court
General Division
Deposit Schedule

Civil Actions

1. Complaints, Cross-Claims, Counterclaims, Third Party Complaints, Cognovit Actions, Appeals from other Tribunals	\$300.00
2. Jury Demands	\$500.00
3. Post Decree Motions, Motion for Relief from Judgment	\$150.00
4. Foreign Judgments	\$150.00
5. Each Aid in Execution	
a. Garnishments	\$80.00
b. Judgment Debtor Examinations	\$80.00
c. Executions	\$225.00
6. Writ of Possession	\$100.00
7. Foreclosure Order of Sale (Includes Private Selling Officers)	\$200.00
8. Certificate of Judgment	
a. Filing	\$105.00
b. Issuing to other Jurisdiction	\$40.00
c. Partial or Full Release of Lien	\$5.00
9. Appeals to the Third District Court of Appeals	\$200.00
10. Sealing/Expungements (or the current amount set by statute)	\$50.00



**JESSICA WALLACE,
MARION COUNTY CLERK OF COURTS**

Court Ordered Title Packet for a Single Motor Vehicle

This packet included the following documents:

- Instructions to Customers Seeking an Order by the Marion County Common Pleas Court Directing the Clerk of Courts Auto Title Division to issue a Certificate of Title for a Motor Vehicle (Section 4505.10, O.R.C.)
- Petition for Court Order Directing the Clerk of Courts to Issue Certificate of Title for a Motor Vehicle and Affidavit in Support of a Petition for Court Order Directing the Clerk of Courts to Issue Certificate of Title for a Motor Vehicle (Section 4505.10, O.R.C.)
- Judgement Entry Granting Petition for Court Order Directing the Clerk of this Court to Issue a Certificate of Title for the Motor Vehicle Described herein (Section 4505.10, O.R.C.)
- BMV Form 3753 – Information Sheet
- BMV Form 1173 – OBMV Record Request (Section 4501.15, 4501.27 and 4507.53 O.R.C.)

Instructions to Customers Seeking an Order by the Marion County Common Pleas Court Directing the Clerk of Courts Auto Title Division to issue a Certificate of Title for a Motor Vehicle (Section 4505.10, O.R.C.)

PLEASE RECOGNIZE THAT THERE CAN BE NO ASSURANCE THAT A COURT ORDER DIRECTING ISSUANCE OF A MOTOR VEHICLE CERTIFICATE OF TITLE WILL BE GRANTED. THE DECISION DEPENDS ON THE COURT FINDING THAT YOU HAVE PRESENTED SUFFICIENT EVIDENCE TO ESTABLISH YOUR CLAIM THAT YOU ARE ENTITLED TO POSSESSION AND OWNERSHIP OF THE SUBJECT MOTOR VEHICLE OR VEHICLES.

The Clerk of the Common Pleas Court in each Ohio County has principal responsibility for issuing motor vehicle certificates of title on behalf of, and in cooperation with, the Bureau of Motor Vehicles, Ohio Department of Public Safety (BMV). A properly issued motor vehicle certificate of title is the primary evidence of ownership of the motor vehicle described in the certificate.

In a limited number of circumstances a Judge of the Common Pleas Court can order the Clerk of Courts Auto Title Division (title office) to issue you a motor vehicle certificate of title. These circumstances include:

- I. When the original certificate of title issued by the State of Ohio or any other state has been lost, destroyed or stolen and a duplicate of that certificate as provided by Section 4505.02 of the Ohio Revised Code is not available from the Clerk or BMV due to a lack of historical title records; or
- II. When you have purchased a vehicle but the previous owner has failed, refused or otherwise been unable to furnish you with a properly assigned certificate of title; or
- III. When you have been given a vehicle or it has been left in our possession and ownership, but the previous owner has failed, refused or otherwise been unable to complete the transaction by supplying required documents; or
- IV. When you are owner of a repair garage or vehicle storage facility who is in possession of a vehicle valued at more than \$3,500.00 after deduction of legally allowed repair and storage fees, which vehicle has remained unclaimed by the owner more than fifteen days after notice to reclaim the vehicle.

The Ohio Revised Code sets forth specific procedures to follow in instances other than the four listed above. Here are some examples of circumstance with respect to which Section 4505.10 of the Ohio Revised Code does **not** apply:

- I. When you are owner of a repair garage or storage facility in possession of a vehicle valued at less than \$3,500.00 after deduction of repair and storage fees, which vehicle has remained unclaimed by the owner more than fifteen day after notice to reclaim the vehicle (See O.R.C. Section 4505.101 and BMV Form 4202);
or
- II. When you are the operator of a manufactured home park attempting to remove a tenant's manufactured home from the home park property (See O.R.C. Section 3733.091 and 1923.12); or
- III. When you are a pawnbroker seeking forfeiture and title to a motor vehicle that has not been redeemed by the owner after expiration or breach of the loan secured by that motor vehicle(See O.R.C. Section 4505.102); or
- IV. When a motor vehicle, whether a "junk motor vehicle" or not, has been abandoned on private property owned by you; and you do not want title to the motor vehicle, but rather simply want it moved or disposed of (See O.R.C. Section 4513.60 through 45133.65, inclusive).

If you believe that Section 4505.10 of the Ohio Revised Code does apply to your situation, there are certain steps you will need to take before the court can consider your petition for an order directing the title office to issue a motor vehicle certificate of title to you. Those steps are outlined as follows:

- I. In every instance your first step to obtain a certificate of title is to make application for one at a Clerk of Courts Title Office. A properly assigned previous certificate of title or a manufacturer's or importer's certificate must be surrendered when applying for a certificate of title to be issued in your name. Absent one of those documents other satisfactory proof of ownership and rights to possession of the motor vehicle must be furnished. Section 4505.10(A) of the Ohio Revised Code limits the acceptable substitute proof to "an affidavit by the person or agent of the person to whom possession of the motor vehicle has passed, setting forth the facts entitling the person to possession and ownership, together with a copy of the Journal Entry, Court Order, or instrument upon which the claim of possession and ownership is founded." Most transactions are routine, but if you are unable to supply the described documentation, the title office cannot issue a certificate of title in your name. While at the title office you should

request a record search of the vehicle identification number (VIN) to determine if any liens have been recorded against the vehicle. The Title Office will furnish you with a copy of the report of search results.

- II. If your application for a certificate of title is denied by the title office because of insufficient proof, you may review the BMV Information Sheet (BMV Form 3753) to determine if the BMV can provide additional assistance to you. In specific cases the BMV can provide a letter of authority that will authorize the local title office to issue a certificate of title in your name. If your situation meets the criteria set forth in BMV form 3753, please submit your evidence to the BMV in accordance to the instructions provided in BMV form 3753.
- III. If the BMV determined that the evidence you compile and present is sufficient to establish your right to possession and ownership of the vehicle, you will be given a letter authorizing the title office to issue in your name a certificate of title for the motor vehicle. If you receive a letter of authority from the BMV, you should bring the letter along with copies of the evidence you presented to the BMV to a Clerk of Courts title office. A certificate of title will be issued based upon that letter of authority and upon applicable fees and taxes. A Petition for Court Order will not be necessary.
- IV. If your situation does not meet the criteria set forth in the BMV Form 3753 or the BMV determine that the evidence you compile and present is not sufficient to establish your right to possession and ownership of the vehicle, you have the option to petition for a court ordered motor vehicle certificate of title. Here is the procedure:

What steps do I need to take to obtain a court ordered title in Marion County?

Step	Where To Go?	What Is Needed?
<p>Step One:</p> <p>Lienholder Record Search-</p> <p>Visit a Clerk of Courts Title Office to obtain a court order packet and request a lienholder record search</p>	<p>The Marion County Building-</p> <p>Clerk of Courts, Title Division</p> <p>222 West Center Street</p> <p>Marion, OH 43302</p> <p>740-223-4080</p>	<ul style="list-style-type: none"> • The Vehicle Identification Number (VIN) is necessary for any record search • A fee of \$5.00 will be charged for each title record search, and a letter will be issued either stating lienholder information found, or a denial notice due to insufficient evidence, which you must retain with your petition as a necessary exhibit. We accept cash, checks, or credit.(Credit will be charged a 3 % service fee with a minimum of \$0.50)
<p>Step Two:</p> <p>Vehicle Owner Record Search</p>	<p>Ohio State Bureau of Motor Vehicles,</p> <p>Deputy Registrar Title Support</p>	<ul style="list-style-type: none"> • A \$5.00 record search fee will apply to each title record

	614-752-7671	<p>search</p> <ul style="list-style-type: none"> • Complete the BMV 1173 form and check the box “last known address” for the vehicle owner and submit the form to the BMV using the instructions provided on the form. The BMV will mail a BMV 2433 form to you containing the results of the record search • BMV 1173 forms are available online at www.bmv.ohio.gov or by calling 614-752-7671 • Please allow at least 15 business days for processing. • Please retain the BMV 2433 form to file with your petition/affidavit to the court as a necessary exhibit
<p>Step Three:</p> <p>Obtain an Ohio State Highway</p>	<p>BMV Deputy Registrar’s Office (License Bureau)</p> <p>Marion County Building</p> <p>License Bureau</p>	<ul style="list-style-type: none"> • Visit your License Bureau to purchase an OSHP

<p>Patrol (OSHP) Inspection Receipt</p>	<p>222 W Center Street Marion, OH 43302 740-387-1467 Visit www.bmv.ohio.gov for alternative locations, or call 614-752-7671</p>	<p>Inspection Receipt (BMV 106 Form)</p> <ul style="list-style-type: none"> • A Fee of \$53.50
<p>Step Four: Schedule your OSHP Inspection</p>	<p>Ohio State Highway Patrol Inspection Station</p> <p>See https://services.dps.ohio.gov/VehicleInspection/VI/Schedule/ScheduleAppointment for more information</p> <p>(This is a Court Order Inspection) – One of the purposes of the inspection is to ensure the parts and vehicles are not stolen.</p>	<ul style="list-style-type: none"> • Retain the BMV 106 form you are provided to submit with your petition/affidavit to the court.
<p>Step Five: File your petition/affidavit and Judgment Entry with the Marion Court of Common Pleas</p>	<p>Marion County Clerk of Courts, Legal Division Marion County Courthouse, Second Floor 100 N Main St Marion, OH 43302 740-223-4270</p>	<ul style="list-style-type: none"> • A fee will be charged • A civil case will be opened when you submit an original and two copies of the following: a notarized petition/affidavit (included in packet); unsigned Judgment Entry (complete one per vehicle, included in packet); copies of any receipts; BMV 2433 form; BMV 106 form; All relevant documentation (i.e. proof of attempt to contact owner of record,

		<p>copies of past insurance and /or motor vehicle registration, copies of check or receipts to show payment made for motor vehicle, and any other documents to support ownership) needs to be attached to the petition/affidavit at the time of filing.</p>
<p>Step Six: Appear before Common Pleas Court</p>	<p>Marion County Common Pleas Court Marion County Courthouse 100 N Main St Marion, OH 43302</p>	<ul style="list-style-type: none"> • After you file the petition and supporting evidence an oral hearing will be set for the Court to consider your documents. If your petition is granted, the Judge will sign the Judgement Entry and direct you to the Clerk of Courts Legal Division
<p>Step Seven: File your Judgment Entry in the Clerk of Courts, Legal Division</p>	<p>Marion County Clerk of Courts Legal Division Marion County Courthouse 100 N. Main St Marion, OH 43302</p>	<ul style="list-style-type: none"> • Once filed, you will be given a certified copy of the Judgment Entry to present to the

	740-223-4270	title office for your certificate of title
Step Eight: Return to the Clerk of Courts Title Division to make an application for certificate of title	The Marion County Building- Clerk of Courts, Title Division 222 West Center Street Marion, OH 43302 740-223-4080	<ul style="list-style-type: none"> • Fee: Title fees and applicable sales tax apply • Please bring the certified copy of the Judgment Entry and valid identification to the Marion County Clerk of Courts Title Division

THERE CAN BE NO ASSURANCE THAT A COURT ORDER DIRECTING ISSUANCE OF A MOTOR VEHICLE CERTIFICATE OF TITLE WILL BE GRANTED.

V. Available at the Marion County Clerk of Court Auto Title office are standardized, pre-printed forms of a *Petition for Court order Directing the Clerk of Courts to Issue A Certificate of Title for a Motor Vehicle and Affidavit in Support of Petition for Court Order Directing the Clerk of This Court to Issue Certificate of Title for a Motor Vehicle* and a *Judgment Entry Directing the Clerk to Issue A Certificate of Title*. You should fill in your name and address on the petition and complete the detailed description of the motor vehicle, including the vehicle identification number (VIN). A petition without the VIN will not be accepted. You should also fill in all blanks (except for the Judge's name, the case number and the date) on both the petition/affidavit and the Judgment Entry. If filing for more than one vehicle, complete as many vehicle information pages as necessary. On the petition you should furnish the details of how you came into possession of the motor vehicle and the fact upon which you base your claim that you should be declared the owner of the vehicle with all rights of possession. Be thorough and attach additional sheets, if necessary. Documents noted in these instructions as necessary exhibits must be filed with the petition/affidavit.

VI. You should attach to your petition/affidavit the following as exhibits:

- A. A copy of the refusal or denial letter you received from the Marion County Clerk or Courts Title Division
- B. Copies of the record search report you obtained from the Marion County Clerk of Courts Title Division and form BMV 2433 you obtained from the Bureau of Motor Vehicles
- C. State Highway Patrol Inspection Receipt (BMV 106 form);
- D. Correspondence and evidence showing you have tried to contact the current owner(s) and lienholder(s) (if applicable) in an attempt to secure a properly assigned certificate of title;
- E. Copies of any additional documentation or evidence you believe necessary to support your claim, including, for example:
 - i. Any receipt, bill of sale, or cancelled check as evidence of your performance as purchaser in connection with an incomplete transaction that was not the result of your own failure to perform
 - ii. Sworn statements of other persons familiar with the circumstances surrounding our possession of the vehicle

Addresses and Phone Numbers of Importance:

- The Marion County Building
Auto Title Division
222 W Center Street
Marion, OH 43302
740-223-4080
- The Marion County Building
License Bureau
222 W Center St
Marion, OH 43302
740-387-1467
- The Marion County Courthouse
Marion County Clerk of Courts, Legal Division
100 N Main St
Marion, OH 43302
740-223-4270
- The Ohio Bureau of Motor Vehicles
614-752-7671

IN THE COURT OF COMMON PLEAS OF MARION COUNTY, OHIO

IN THE MATTER OF A CERTIFICATE
TITLE FOR A MOTOR VEHICLE

Case No. _____

: (Petitioner's Full Name)

: (Petitioner's Street Address)

Judge

: (City, State, Zip Code)

Petition for Court Order Directing the Clerk of Courts to Issue Certificate of Title for a Motor Vehicle and Affidavit in Support of Petition for Court Order Directing the Clerk of this Court to Issue Certificate of Title for a Motor Vehicle (Section 4505.10, O.R.C.)

PETITION

The undersigned a resident of Marion County, Ohio, petitions this Court for an Order directing the Marion County Clerk of Courts Auto Title Department to issue, pursuant to Section 4505.10 (A) of the Ohio Revised Code, a motor vehicle certificate of title in petitioner's name as true and lawful owner of the motor vehicle fully described as follows:

Make: _____ Model: _____

Year: _____ Color: _____ VIN#: _____

AFFIDAVIT

I, _____, having been duly cautioned and sworn, state the following to be true to the best of my knowledge and belief:
(Petitioner's Full Name)

1. I am petitioning this Court to order the Marion County Clerk of Courts Auto Title Division to issue in my name a certificate of title for the motor vehicle fully described in my petition and now in my possession and under my control.
2. The described motor vehicle is not an “abandoned junk motor vehicle” as defined in Section 4513.63 of the Ohio Revised Code and subject to the procedures set forth in that statute.
3. I am not an owner of a repair garage or a place of vehicle storage required to follow the procedures set forth in Section 4505.101 of the Ohio Revised Code if the value of the subject vehicle is less than \$3500.00.
4. I am not a pawnbroker required to follow the procedures set forth in Section 4505.102 of the Ohio Revised Code.
5. I am not the operator of a manufactured home park required to follow the procedures set forth in Chapters 1923 and 3733 of the Ohio Revised Code.
6. I applied to the Marion County Clerk of Courts Auto Title Division for a certificate of title, but issuance was refused because I was unable to produce documentation required by Section 4505.10 of the Ohio Revised Code for the Clerk to issue the certificate, to wit: a.) prior certificate of title; b.) manufacturer’s or importer’s certificate; or c.) a copy of the journal entry, court order or other instrument upon which my claim of possession and ownership is founded.
7. The circumstances by which I came into possession of the described motor vehicle were as follows:

State how the motor vehicle was obtained: _____

If purchased, the motor vehicle was sold by: _____

Date of the Transaction _____ Purchase price: _____

**Attach a copy of your receipt, cancelled check, or bill of sale or other documentation of the transaction.*

Petition to determine if the motor vehicle for which I am seeking a certificate of title has been reported stolen, and have attached a copy of the results of the search to this affidavit as an exhibit. I do not know, nor do I have reason to believe, that the motor vehicle for which I am seeking a certificate of title has been stolen [Section 4505.19(A) of the Ohio Revised Code]. *Attach a copy of the results of the search (BMV Form 2433).*

12. I hereby instruct the Clerk of Court to serve the following part(ies) who are the immediately preceding owners by simultaneous by both CERTIFIED MAIL AND ORDINARY MAIL pursuant to Civil Rules 4.1(A)(1) and 4.6(B),(C), and (D):

Name _____ Name _____

Address _____ Address _____

City/State/Zip _____ City/State/Zip _____

13. I hereby instruct the Clerk of Court to serve the following lienholders whose liens may be extinguished by both CERTIFIED MAIL AND ORDINARY MAIL pursuant to Civil Rules 4.1(A)(1) and 4.6(B),(C), and (D). If there are no liens, or the petition is to be subject to the liens of record, please check the appropriate box and leave the addresses blank.

Name _____ Name _____

Address _____ Address _____

City/State/Zip _____ City/State/Zip _____

There are no lienholders of record

I am requesting a title subject to the liens of record.

14. In furnishing this affidavit, I acknowledge my understanding that, under the terms of Section 2921.13(A)(I) and (A)(5) of the Ohio Revised Code, to knowingly make a false statement in any official proceeding and to swear to or affirm the truth of a false statement before a notary public or other person empowered to administer oaths may constitute the offense known as falsification, a misdemeanor of the first degree.

Further, Affiant saith naught.

Signature of Petitioner

Sworn to before me and subscribed in my presence this _____ day of
_____, _____.

Signature of Notary Public
My Commission Expires _____.

IN THE COURT OF COMMON PLEAS OF MARION COUNTY, OHIO

IN THE MATTER OF A CERTIFICATE
TITLE FOR A MOTOR VEHICLE IN THE
NAME OF:

Case No. _____

(Petitioner's Full Name)

Judge

**Judgment Entry Granting Petition for Court Order Directing the Clerk of this Court to Issue
Certificate of Title for the Motor Vehicle Described Herein(Section 4505.10, O.R.C.)**

This cause was considered by the Court upon the petition/affidavit, exhibits and
testimony of _____, asking the Court to order the Marion County
Clerk of Courts Auto Title Division

(Petitioner's Full Name)

to issue, pursuant to Section 4505.10 (A) of the Ohio Revised Code, a motor vehicle certificate
of title in petitioner's name as true and lawful owner of the motor vehicle fully described as
follows:

Make: _____ Model: _____

Prior Title #: _____

(If available from documents or records search)

Year: _____ Color: _____ VIN#: _____

The Court finds that Petitioner has complied with the requirements of O.R.C. 4505.10(A) and that the evidence is sufficient to require the certificate of title to the described vehicle to be issued in Petitioner's name. The Court finds the Petition to be well taken and grants the same.

The Court hereby ORDERS the Marion County Clerk of Courts Auto Title Division to issue in the Petitioner's name a motor vehicle certificate of title for the vehicle described herein. Petitioner shall present a copy of this Order to the Clerk of Courts Auto Title Division when applying for the certificate of title. If, at the time of the application, there appears from records of the Clerk to be any lien on the motor vehicle, the certificate of title shall contain a statement of the lien unless the application is accompanied by the proper evidence of its extinction; all in accordance with O.R.C. 4505.10(A). The Clerk shall collect any applicable application fees and taxes at the time of the application for the certificate of title is made.

Date: _____

Judge, Marion County Common Pleas Court