

MOTION TO SEAL EVICTION RECORD INSTRUCTIONS



**BEFORE YOU FILE A MOTION TO SEAL EVICTION RECORD,
READ THE INSTRUCTIONS CAREFULLY.**

Willoughby Municipal Court Local Rule 3.7(G) explains the process for filing a Motion to Seal Eviction Record, the factors the Court considers when ruling on a Motion to Seal, and the circumstances under which a motion may be granted. **If you have questions, consult with an Attorney, or see a Housing Specialist BEFORE you file the motion.**

ALSO, BE AWARE THAT:

- In general, the Court will consider a Motion to Seal Eviction Record only under specific, limited circumstances.
- An affidavit is required. The Court will **NOT** consider a Motion to Seal without an affidavit.
- Sealing the record of an eviction does not authorize a tenant or former tenant to make a false statement regarding the filing or granting of the eviction.
- The Court typically will consider only **ONE MOTION TO SEAL EVICTION RECORD** on any given case. You have **ONLY ONE OPPORTUNITY** to convince the Court to seal your eviction record. Include **ALL** documentation with your motion.

If you have questions, consult with an Attorney, or see a Housing Specialist BEFORE you file the motion.

Instructions for Filing a Motion to Seal Eviction Record:

1. Attached is a blank "Motion to Seal Eviction Record" form. This form is provided by the Court as a courtesy.
2. **Fill out the Motion to Seal form completely**, filling in all of the applicable blanks.
3. Attach to the motion **all** evidence you would like the Court to consider. **Do not assume that you will have a hearing or another chance to submit additional evidence.** The Court may review the motion and rule on it without a hearing.
4. Before you file it, make **2 copies** of the completed motion with all attachments. The original is for the Clerk of Court, one copy is for the landlord, and one copy is for your records.
5. Serve one copy of the completed motion on the landlord, or the landlord's attorney (if the landlord had one in the eviction case). You can mail the copy, or deliver it by hand. Your motion, at the bottom, contains a place for you to verify that you have served it upon the landlord, or the landlord's attorney. If you do not deliver a copy of the motion to the landlord, or the landlord's attorney, and verify in your motion that you have done so, **your motion may be dismissed.**
6. File the original, completed motion with the Clerk of Court. **There is a \$50.00 charge for filing a Motion to Seal Eviction Record**, which must be paid at the time of filing. The Court may allow a poverty affidavit to waive prepayment of the filing fee. There is no charge to file a Motion to Seal Eviction Dismissal.
7. The Court may schedule a hearing on your motion. If a hearing is scheduled, be sure to arrive on time for the hearing, and bring all your paperwork and witnesses with you. Include your current email address in your motion, so the court can notify you if a hearing is scheduled.
8. **The Court will notify you via email of its decision on your motion.** Include your current address and your email address, so the court can notify you of its ruling; also, **file a Change of Address form with the Clerk of Court**, if your address has changed from what is listed on the case on which you are filing the motion.
9. You are responsible for keeping yourself informed about what happens in your case. You may look at the Court's docket online at www.willoughbycourt.com
10. **If you have any questions, see an Attorney BEFORE you file the motion.**

WILLOUGHBY MUNICIPAL COURT
LAKE COUNTY, OHIO

CASE NO. _____

Telephone: _____
Plaintiff(s)

-VS-

MOTION TO SEAL
EVICTION RECORD

Email/Telephone: _____
Defendant(s)

ORAL HEARING REQUESTED

1. I am a Defendant in this eviction case.
2. On _____ (date), this Court entered an eviction judgment in favor of the landlord or dismissed the eviction claim.
3. I am asking this Court to seal the eviction record because:
 - The Court dismissed or entered judgment on my favor on the claim for possession; or
 - The landlord dismissed the claim for possession before adjudication of that claim; or
 - The landlord agreed, in writing, to seal the record (a copy of that agreement is attached); or
 - The landlord prevailed on the merits on the claim for possession, and *all* of the following occurred:
 - a. The following extenuating circumstances led to the eviction:

_____ ; and
 - b. at least five years have passed since judgment was entered for the landlord; and
 - c. at least five years have passed since I have had an eviction judgment entered against me in any jurisdiction.
 - Other: _____

4. I have attached an affidavit attesting to the relevant facts. I acknowledge that submitting false or misleading information about any facts in the attached affidavit, or on any other paperwork submitted to the Court, may be perjury.
5. I have attached the following documentation to verify grounds stated above:

(Signature)

I (check one) _____ hand delivered (or) sent a copy of this motion by regular mail to the _____ plaintiff (or) _____ defendant at the address above on _____, 20____.

(Signature)

Case No. _____

STATE OF OHIO

ss.

AFFIDAVIT

COUNTY OF LAKE

_____, being first duly sworn, deposes and says the following:

- 1. I am eighteen years of age or older.
- 2. I was the tenant/defendant in this case.
- 3. I am moving this court to order the eviction record to be sealed.
- 4. I am moving this court to seal the eviction record because:
 - A. The court dismissed or entered judgment in my favor on the claim for possession; or
 - B. The landlord dismissed the claim for possession before adjudication of that claim; or
 - C. The landlord agreed, in writing, to seal the record, and the Court has not sealed another eviction record for this reason in the last five years; or
 - D. The landlord prevailed on the merits on the claim for possession, and *all* of the following occurred:
 - 1. Extenuating circumstances led to the eviction;
 - 2. At least five years have passed since judgment was entered for the landlord; and
 - 3. At least five years have passed since the tenant has had an adverse judgment granting an eviction in any jurisdiction.
 - E. Other: _____

5. *(Only complete if requesting the record be sealed under Item 4.D, above)* Here are all the complete addresses at which I have lived for the past 5 years: _____

6. Additional relevant information:

DEFENDANT

SWORN TO, BEFORE ME, and subscribed in my presence this _____ day of _____, 20_____.

NOTARY PUBLIC