

**RULES OF PRACTICE  
OF THE  
COURT OF COMMON PLEAS**

**STATEMENT OF PURPOSE**

Delay in criminal and civil cases in the Courts of Common Pleas throughout the state of Ohio is a serious problem in the administration of justice. Constitutional courts were created to serve the litigants and the interest of the public at large, not for the convenience or benefit of judges and lawyers. Unnecessary delay erodes the public's confidence in the judicial system.

It is the obligation of the judges of the Court of Common Pleas, Franklin County, Ohio, to operate the Court in a manner that is lawful, fair, just, and efficient for the benefit of the citizens of Franklin County and all other litigants that come before it. To that end, the following rules are designed (1) to expedite the disposition of both criminal and civil cases in this Court, while at the same time safeguarding the rights of litigants to the just processing of their cases; (2) to expedite and make consistent the disposition of cases in the general branch of the Court; and (3) to serve the public interest which mandates the prompt disposition of all cases before this Court.

**RULE 9 - COSTS**

**9.01 (04-26-00)** Except as provided herein, no civil action or proceedings shall be accepted by the Clerk of Courts for filing unless there is deposited with the clerk of courts, as security for costs, the amount set forth in paragraph 9.08, schedule of security deposits and filing fees.

**9.02 (A)** If the party initiating the civil action is an inmate, he/she must comply with the provisions of R.C. 2969.25. Failure to comply with R.C. 2969.25 shall be grounds for dismissal of the action pursuant to Civ. R. 41(B) (1).

**(B)** If the party initiating the civil action is not an inmate and believes that he/she is unable to pay the costs, an affidavit of indigency listing the parties (a) employment and salary for the past twelve months; (b) public assistance for the past twelve months; (c) total assets, excluding family furnishings; (d) bank balances; and (e) number of dependents. Attached to the affidavit shall be the party's Federal Income Tax return for the year preceding the filing of the complaint.

**(C)** If the affidavit set forth in Rule 9.02 (B) is complete, the Clerk shall accept the complaint for filing without costs. Once the case is assigned, the Trial Judge may make further inquiry into the party's ability to pay costs, or a part thereof. If the Trial Judge determined that the party has the ability to pay costs, or a part thereof, such may be assessed and payment shall be made as directed by the Trial Judge.

**(D)** Failure to pay costs as ordered by the Trial Judge shall be grounds for dismissal of the action pursuant to CIV. R. 41(B) (1).

**(E)** If a party owes costs to the Court from a prior action, all such costs must be paid before the Clerk of Courts may accept for filing any subsequent civil actions.

**9.03 (04-26-00)** When filing a praecipe for an order of sale with the clerk of courts, a security deposit in the amount as set forth in paragraph 9.08 shall be deposited with the clerk of courts. This will ensure payment to all parties incurring costs, regardless of the outcome of the sheriff's sale

(A) If the property is sold through a sheriff's sale, the security deposit will be returned to the depositor, to be disbursed upon journalization of a decree of confirmation.

(B) If the property is not sold through a sheriff's sale, the security deposit will be used to pay any incurred costs. Any amount of the security deposit not used will be returned to the depositor. Any costs not covered by the security deposit will be billed to the depositor. The security deposit will be disbursed upon journalization of an entry either terminating or vacating a sheriff's sale.

(C) When filing an entry terminating or vacating a sheriff's sale, the entry should first be presented to the clerk's office to be costed out before presenting it to the judge for signature and journalization.

**9.04 (04-26-00)** Prior to the clerk accepting a case transferred from the Franklin County Municipal Court, in which the demand contained in the counterclaim or cross-claim exceeds the monetary jurisdiction of that court, the counterclaimant or cross-claimant shall post security for costs in the sum equal to the amount required if the case was originally filed in the Common Pleas Court. The clerk shall immediately notify the counterclaimant or cross-claimant of the security for costs. If the counterclaimant or cross-counterclaimant fails to post such security, the case shall be remanded to the Municipal Court.

**9.05 (04-26-00)** The clerk of courts shall not accept a final judgment entry for filing unless the entry specifies exactly how and by whom the remaining costs are to be paid.

**9.06 (04-26-00)** At least once every three months after the filing of a final judgment entry, the clerk of courts shall send a statement to all parties against whom costs have been taxed. If a party fails to pay the costs reflected in the statement after two such notices, the clerk of courts shall issue a certificate of judgment against said party for the amount of the unpaid costs.

**9.07 (04-26-00)** The first party making a jury demand in a civil action before this court, shall deposit \$300 with the clerk of courts no later than the Friday before the trial date reflected in the case schedule. Failure to deposit \$300 within the time allotted shall constitute a waiver of jury.

**9.08** Schedule of security deposits and filing fees.

A. Security Deposits and Filing Fees in Franklin County Common Pleas Court  
General Division

**CIVIL ACTIONS**

Civil Complaints-Filing Categories A,B,C,D and H .....	\$225.00
Civil Case Complaint-Filing Category E (Foreclosure).....	\$300.00
Administrative Appeals-Filing Category F.....	\$100.00
Confession of Judgment (Cognovit).....	\$100.00
Third Party Complaint with service upon each new party defendant .....	\$ 25.00
Opening a Miscellaneous case for presentation of a non-adversarial issue to the Court .....	\$ 35.00

**SERVICE BY PUBLICATION**

Publication in the <i>Daily Reporter</i> .....	\$500.00
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**CERTIFICATES OF JUDGMENT**

Filing of Certificate of Judgment from a Franklin County Common Pleas Court Judgment.....	\$ 38.00
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Domesticating a Foreign Judgment (Includes Service).....	\$ 38.00
Certificate of Judgment Transferred to Franklin County Common Pleas Court from a U.S. District Court or an Ohio Court of Record .....	\$ 33.00
Preparation of a Certificate of Judgment for Transfer.....	\$ 7.00
Release or Partial Release of Certificate of Judgment.....	\$ 5.00

**EXECUTIONS**

Order in Aid Proceedings (Judgment Debtor Exam.....)	\$ 25.00
Order in Aid Proceedings (Property other than Personal Earnings) Per Garnishee.....	\$ 25.00 Plus \$1.00
Per Garnishee	
Order in Aid Proceeding (Garnishment of Personal Earnings).....	\$ 35.00 Plus
\$10.00 per Employer	
Praeipce for a Writ of Execution.....	\$ 90.00
Subsequent or Alias Executions on the Same Case.....	\$ 44.00

**MISCELLANEOUS**

Arbitration-Local Rule 103.04C (\$175.00 Each party)	\$350.00
Appeal <i>de novo</i> .....	\$150.00
Capias Praeipce.....	\$ 14.00
Certificate to Copies (aka Exemplification or Triple Seal).....	\$ 4.00
Lis Pendence Action.....	\$ 5.00
Motion or Petition to Vacate, Revive or Modify Judgment.....	\$ 15.00
Praeipce for Order of Sale, Alias, Pluries and in Partition (per parcel).....	\$600.00
Praeipce for Writ of Partition.....	\$ 14.00
Praeipce for Writ of Possession (Habere Facias).....	\$ 44.00
Praeipce for a Writ of Restitution.....	\$ 44.00
Praeipce for a Writ of Vendi Exponas.....	\$600.00
Subpoena-Service by a Sheriff.....	\$ 10.00

**NON-JUDICIAL RELATED FUNCTIONS**

Certified Copy.....	\$ 1.00
Notary Signature Verification Document.....	\$ 2.00
Registration of Notary Commission.....	\$ 5.00
Administering Oath.....	\$ 1.00
Registration of Optometry License.....	\$ 2.00

**LICENSES**

Deer Permits.....	\$ 20.00
Fishing Licenses.....	\$ 15.00
Hunting Licenses.....	\$ 15.00
Replacement Duplicate of all Licenses.....	\$ 3.00