

LOCAL RULES OF COURT
FOR
DEFIANCE MUNICIPAL COURT

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LOCAL RULES OF COURT FOR DEFIANCE MUNICIPAL COURT

GENERAL PROVISIONS

The Rules of Court set forth herein shall pertain to all procedures applicable to all proceedings of this Court in the exercise of its civil, criminal and traffic jurisdiction. These Rules are effective June 1, 1994. All former Rules and amendments thereto are hereby revoked.

RULE 1.01 CITATION FORM: These Rules of practice shall be known as the Defiance County Municipal Court Rules of Court and each rule may be cited as "Defiance Rule" or "Local Rule" followed by the appropriate section number.

RULE 1.02 HOURS OF SESSION: The sessions of this Court, shall, unless modified by the Trial Judge to meet emergency situations, begin at 8:00 a.m. and close at 5:00 p.m., Monday through Friday, each week except on those days designated by law as a legal holiday.

RULE 1.03 FILES: The Clerk shall file together and carefully preserve in the Clerk's office all papers delivered and /or filed therein for that purpose, in every action or proceeding. The Clerk shall permit any party to an action or his/her attorney or agent to make a copy of any non-confidential papers filed with the Court, except depositions and bills of exceptions. Copies of all papers shall be furnished to said attorney or party upon payment of any applicable fees. Copies to the general public, upon written request, shall be furnished upon payment of any applicable fees.

RULE 1.04 COURT RECORD BOOKS: The Clerk of Court shall maintain separate civil and criminal records and dockets as required by Ohio Revised Code Section 1901.31(E). Nothing in this Rule prohibits recording and storage of the Court's dockets and records by microfilming or computerization as permitted by law.

The Orders of the Court in the dockets shall be validated by the original signature of the Judge. The dockets and the original papers filed shall be the final record of the cases of this Court. The Judge and the Clerk of Court shall authenticate records with their signatures, with the Court's seal attached. Any forms and stamps used shall be authorized by the Court.

The Clerk of Court may dispose of all files of cases which are 15 years or older in accordance with Sections 1901.41 of the Ohio Revised Code.

RULE 1.05 RECORD OF PROCEEDINGS; COURT REPORTERS: All Court proceedings, which are required to be recorded shall be recorded by an audio tape machine. A court reporter may be supplied upon the request of either party or his counsel, provided such request is filed in writing at least five (5) court days prior to the trial. The reporter's costs shall be borne by the party requesting same, who shall pay the costs directly to the reporter. In small claims cases, parties shall request audio tape recording at least one day prior to any trial or hearing.

RULE 1.06 COURT DECORUM: As a matter of respect, everyone inside the courtroom must stand during the opening and closing of Court. Proper attire is required of all. The courtroom space inside the railings is reserved for officials, counsel, parties and witnesses. The bailiff shall see that no one impedes or disrupts the orderly conduct of the business of the Court.

RULE 1.07 FILING REQUIREMENTS:

(A) **General:** No written complaint, motion, brief, memorandum of law or proposed journal entry shall be accepted by the Clerk for filing unless the same is filed with sufficient copies for service upon any other parties or counsel and indicates the name, address and phone number of the attorney filing same, as well as the responsible attorney's Supreme Court registration number.

(B) **Form Size:** All papers filed with the Clerk shall be on 8 1/2" X 11" paper, with the exception of exhibits. All filings shall have a top margin of at least one and one-half inches (1 1/2").

(C) **Facsimile Filing:** The Court will allow the filing, through the Clerk of Court's office, of complaints, motions, pleading, letters, documents and all other matters which may be filed in person or by mail by use of a facsimile machine of not longer than ten (10) pages in length, subject to the following:

1. Facsimile filing date is determined by court hours. Any filings sent by facsimile received by this Court after 5:00 p.m. Eastern Time will be file stamped the next business day.

2. All filings made by facsimile must be followed within five (5) business days by

an original filing on standard bond paper bearing original signatures with deposit for costs in full attached. If not received within the time period specified, the facsimile filings will be discarded. The original filing received within the time period specified herein shall be file stamped when received but effective the date and time of the facsimile filing. Legal counsel must indicate on the original filing the date and time the facsimile was sent.

3. Deposit for costs must accompany the original filing, or said original will not be accepted by the Clerk and the facsimile filing will be discarded.

RULE 1.08 COURT COSTS AND SECURITY DEPOSITS, GENERALLY:

Civil court costs shall be paid at the time of filing to the Clerk of Court. Costs paid on all original filings (i.e. complaints, counter-claims, forcible entry and detainer actions, replevins, trusteeships, small claims complaints, third party complaints) are to be considered as a non-refundable filing fee.

Civil filing fees are as follows:

- 1. Complaint for money only, including third party complaints, cross-claims and counter-claims involving new parties, but excluding cognovit complaints \$ 45.00
- 2. Complaint for money, cognovit action \$ 45.00
- 3. Amended complaints \$ 5.50
(plus costs of service)
- 4. Small Claims Division
 - a. Original complaint for money only \$ 23.00
(includes service on one defendant)
 - b. Service per additional defendant \$ 3.00
 - c. Amended complaint \$ 5.50
 - d. Filing of cross-claim or counter-claim \$ 20.00

5. Forcible entry and detainer actions	
a. Eviction cause only	\$ 55.00
b. Eviction cause with second cause for rent and/or damages	\$ 65.00
6. Complaint for replevin	\$ 65.00
7. All other complaints/petitions	\$ 45.00
8. Application for court trusteeship	\$ 25.00
9. Petition/motion to revive judgment	\$ 20.00
10. Motion to vacate judgment	\$ 10.00
11. Certificates of judgment	
a. Filing and docket certificate from another court	\$ 5.00
b. Issuance from this Court	\$ 1.00
12. Exemplifications of judgment	\$ 5.00
13. Post judgment proceedings	
a. Proceedings in aid of execution	\$ 20.00
b. Garnishments: (all fees are non refundable)	
(i) Wage garnishment filing fee	\$ 15.00
(ii) Non-wage garnishment filing fee	\$ 25.00
(iii) Fee for garnishee (under separate check)	\$ 1.00
c. Execution of judgment/attachments of property	\$ 20.00
14. Subpoena	\$ 15.00
15. Jury deposit	\$200.00

16. Service of process

- a. Certified mail \$ 3.00
- b. U.S. ordinary mail, certificate of mailing \$ 2.00
- c. Residential/personal service (bailiff) \$ 15.00
- d. By sheriff or foreign county \$ 15.00
- e. Publication \$100.00

17. Appraisal fee (attachment/replevin cases) \$ 15.00

18. The failure of a party to advance the security for jury costs as provided herein at least fourteen (14) days prior to the date set for trial shall constitute a waiver of trial by jury.

19. In all cases in which it shall be necessary to seize, move or remove or store or to provide a custodian for any goods or property seized under any writ or order issued by the Court, the Clerk shall require an additional deposit in such amount as is deemed necessary to cover all estimated costs and expenses to implement such writ or order. In addition, the party requesting such writ or order may be required to supply such labor at his expense, as the Clerk or bailiff deems necessary to enforce such writ or order.

20. If at any time the Clerk is of the opinion, because of circumstances indicating extraordinary costs in any case, that a deposit for costs in excess of the amounts specified herein should be made, the Clerk shall estimate such probable extraordinary costs and require an additional deposit commensurate therewith.

21. Upon motion by any party or upon request of the Clerk or bailiff, and upon a showing that the probable costs may exceed the deposit, the Court may order a further deposit to be made before additional proceedings are had.

22. **METHOD OF PAYMENT:** Payment by cash, money order, personal or certified checks are acceptable. Out of state personal checks may be accepted at the discretion of the Clerk. Payment by credit cards of Visa or Master Card only, will be accepted.

23. **MISCELLANEOUS COSTS AND CHARGES:**

a. All other fees and costs to be taxed in any action or proceeding in this Court not specifically provided for by law pertaining to municipal courts or by administrative order or rule of this Court shall be the same as those set out in the Ohio Revised Code for similar services in Courts of Common Pleas.

b. The following items shall be assessed in all cases, civil and criminal:

- 1) Xerox and duplicate copies, per page, one side only \$.50
- 2) Transmitting documents to the Court by facsimile machine or having the Court transmit documents to you or another agency or court on your behalf \$ 2.00
- 3) Letters and written notices (except cards to drive) \$ 1.50
- 4) Long distance telephone calls \$ actual cost
- 5) Certification of court entry/papers \$ 1.00
- 6) Motions, filing & docketing of, and issuing orders thereon; instructions to the Clerk and notices:
 - no hearing required \$ 1.00
 - hearing required & scheduled \$ 2.00
- 7) Supplemental summons:
 - certified mail \$ 3.00
 - U.S. ordinary mail, certificate of mailing \$ 2.00
 - personal service \$ 15.00
 - publication \$100.00
- 8) Capiases and warrants, each \$ 2.00
(plus costs of service)
- 9) Appeals:
 - a) Deposit for the Clerk of Court of Appeals \$ 70.00
 - b) Preparing file for appeal \$ 20.00
 - c) Transcripts for appeal prepared by court reporter or reporting agency \$ 10.00
(plus amount charged by court reporter/agency)
- 10) Computer record checks by court personnel \$ 1.00

- 11) Obtaining closed or stored files \$ 9.00
(plus hourly rate after first hour of search)
- 12) Certification of case to Common Pleas Court:
 - base charge to prepare file \$ 2.50
 - copy of each page of case file \$.50
- 13) Computerized legal research fees on each
cause, judgment by confession, and appeal \$ 1.50
- 14) Adding a creditor to court trusteeship \$ 3.00
(per creditor added)
- 15) Credit news per report \$ 10.00

RULE 1.09 WITHDRAWAL OF TRIAL COUNSEL: Counsel of record shall be allowed to withdraw as trial counsel only upon consent of the Court. Except for a withdrawal requested in open Court when a counsel's client fails to appear for a Court proceeding, no application for withdrawal will be considered unless (a) a written request is presented which states the reasons for the application; (b) the application contains a certification of service to opposing counsel; and (c) the withdrawing counsel represents that, if the application is granted, a copy of the withdrawal entry will be mailed forthwith to the last known address of the client. A withdrawal of counsel after the cause has been assigned for trial shall not be permitted, except for good cause shown and upon determination by the Court that the party will be adequately and properly represented at the trial.

RULE 1.10 MUNICIPAL COURT TRUSTEESHIPS: The following rules and procedures are promulgated pursuant to O.R.C. Section 2329.70 and will apply to all trusteeships filed after the effective date of these rules:

(A) Upon the filing of the trusteeship, the debtor is required to provide the Court with a payroll check stub or payroll statement of earnings. No payment will be accepted from a debtor without a payroll check stub or payroll statement of earnings.

(B) Debtor's payments must be made either in cash, by personal check, bank draft, or money order.

(C) Individuals with active trusteeship accounts must notify the Trustee clerk within five (5)

business days of any change in work status, job or personal address. Income and employment verification shall be required every six (6) months.

(D) A trusteeship account will be automatically cancelled if there has been no payment received or no change in work status reported within thirty (30) days of the last recorded payment.

(E) Debtors must make a minimum payment of \$ 25.00 each month.

(F) Interest must be paid outside of the trusteeship on any interest bearing account listed on the trusteeship account.

(G) The only creditors which may be added to existing trusteeship accounts shall be those which were past due and owed by the debtor at the time of filing the trusteeship but were not listed due to mistake, and any medical bills acquired by the debtor before or after the filing of the trusteeship.

(H) A charge of \$3.00 per creditor will be assessed for each creditor added to the trusteeship account.

RULE 1.11 SMALL CLAIMS: Small Claims Court proceedings shall be conducted by the Small Claims Court Referee in accordance with O.R.C. Chapter 1925 and the guidelines specified herein.

(A) Not more than twenty four (24) claims may be filed in the Small Claims Division by any single person within any calendar year for recovery of money only. The claim shall not exceed the statutory limit for Small Claims Court.

(B) In all unliquidated damage claims where defendant appears personally or through counsel or files an answer, the case will be assigned to the Small Claims Court trial docket without further deposit of costs. Any written document received from the defendant before the hearing will be considered to be an answer and is to be considered as such in any application for a default judgment.

(C) In all unliquidated damage claims in which the defendant has failed to appear or answer, the plaintiff shall have judgment in the same manner as provided in these local rules for the granting of a default judgment, regarding supporting documentation verified by affidavit or sworn testimony of the plaintiff.

(D) Once a hearing has been set, motions for continuance must be received in writing. Said

motions should be filed at least five (5) days prior to the hearing unless otherwise approved by the Court.

(E) The Ohio Rules of Evidence do not apply to Small Claims Court proceedings, but certain rules of civil procedure do apply (see O.R.C. Section 1925.16). No depositions or interrogatories shall be taken in small claims cases and all relevant evidence shall be admitted at the discretion of the Referee.

(F) Plaintiff may file garnishments and other legal process/execution in order to enforce/collect any judgment received in Small Claims Court.

(G) **Transfer to Civil Docket:** Motions to transfer the case to the regular civil docket filed by any party or cross-claims or counter-claims in the amount of \$2,000.00 or more will be referred to the Judge for ruling. In cases where motions to transfer a Small Claims Court case to the regular civil docket is granted, the party seeking the transfer shall pay the appropriate filing fee to the Clerk with the motion to transfer, along with an appropriate judgment entry. Failure to pay the fee will cause the motion to transfer to be denied.

RULES OF PRACTICE GOVERNING CIVIL CASES:

RULE 2.01 CASE MANAGEMENT IN CIVIL CASES: The purpose of this Rule is to establish pursuant to M.C. Sup. Rule 18, a system for civil case management which will achieve the prompt and fair disposal of civil cases.

(A) **Scheduling:** The scheduling of a case will begin when a civil case is filed and the Civil Division clerks shall perform the following steps:

(1) Issue summons in accordance with the Ohio Rules of Civil Procedure. In the event there is a failure of service, the Clerk shall immediately notify counsel. If counsel fails to obtain service of summons within six (6) months from the date the cause of action was filed, then the Clerk shall notify Counsel that the case will be dismissed, without prejudice, in ten (10) days unless good cause is shown to the contrary.

(2) After any responsive pleading is filed, the Clerk shall immediately schedule the matter for a pre-trial hearing and/or motion hearing.

(3) If no action has been taken on a file for a six (6) month period and the case is not set for trial, then the Clerk shall notify the filing party that the matter will be dismissed

pursuant to M.C. Sup. Rule 6, within ten (10) days unless good cause is shown to the contrary.

(4) When a file has been marked "settlement entry to come" and the entry has not been received within thirty (30) days, then the Clerk shall notify the party that his case will be dismissed unless the entry is received within ten (10) days.

(B) Motions: All motions must be in writing and accompanied by a written memorandum containing citations or the arguments of counsel. A proposed judgment entry for the Court's review and approval should also be submitted with the motion.

Opposing counsel shall file any response in opposition in writing, including citations to legal authorities and arguments within fourteen (14) days thereafter. All motions will be considered submitted at the end of said fourteen (14) day period unless the time is extended by the Court.

There will be no oral hearings granted on said motions unless the Court deems it necessary.

No motion for summary judgment shall be filed in any case after it has been set for pre-trial or trial without leave of Court as provided in Rule 56 of the Ohio Rules of Civil Procedure.

(C) Pre-Trials: For the purpose of this rule, "pre-trial" shall mean a Court supervised conference chiefly designed to produce an amicable settlement and to establish a case management schedule. The term "party" or "parties" used hereinafter shall mean the party or parties to the action, and/or his, her or their attorney of record.

Any attorney or party to the action who fails to attend a scheduled pre-trial conference, without just cause shown, may be punished for contempt of Court.

Notice of pre-trial conferences shall be given to all parties or counsel of record by mail and/or by telephone from the assignment commissioner not less than fourteen (14) days prior to the conference. Pre-trials will generally be set within thirty (30) days after all responsive pleading (i.e. answers, counter-claims, cross claims, Rule 12 motions, etc.) have been filed. Any application for continuance of the conference shall be addressed to the Judge.

Counsel attending the pre-trial conference must have complete authority to stipulate on items of evidence and must have full authority to settle the case. The primary purpose of the pre-trial shall be to achieve an amicable settlement of the controversy. In the pre-trial conference, the parties and the Court will strive to narrow legal issues, reach stipulations as to facts in controversy and determine cut off dates for discovery, motions and other pre-trial proceedings.

The Court may prepare a pre-trial order reciting the action taken at the pre-trial conference. The order, when filed, shall control subsequent proceedings in the case unless it is modified in order to prevent injustice to any one of the parties. At the pre-trial the Court shall, if applicable, determine whether or not trial briefs should be submitted and shall fix a date when they are to be filed.

If the case cannot be settled at pre-trial, the case will be set for trial.

(D) Continuances: Attorneys must bring their calendars with them to all pre-trial conferences; and all matters set for hearing or trial at the pre-trial will not be continued without approval of the Court.

No party shall be granted a continuance of a trial, pre-trial or hearing without a written motion from the party or his counsel stating the reason for the continuance. Motions for continuance must also be accompanied with a judgment entry for the Court's approval.

When a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for trial on the same date in another court, counsel shall attach a copy of said assignment notice to the motion for continuance. The case which was set first for trial shall have priority and shall be tried on the date assigned. Criminal cases assigned for trial have priority over civil cases assigned for trial. The granting of any other request for continuance of a scheduled trial, hearing or pre-trial is a matter within the discretion of the Trial Court.

(E) Judgment Entries: Counsel for the party in whose favor an order or judgment is rendered shall prepare a journal entry, if requested to do so by the Court. That entry shall be submitted to opposing counsel within ten (10) days of the decision. Opposing counsel shall approve or reject the entry within ten (10) days of receipt. Within thirty (30) days of the decision, the journal entry shall be submitted to the Judge for approval and signature. If a journal entry is not submitted within the time period stated the Court may prepare the journal entry.

Entries of settlement may be filed at any time. The avoidance of trial by settlement shall be allowed without the filing of an entry, but such entry shall be filed within thirty (30) days after notice to the Court of settlement or the case may be dismissed for want of prosecution.

ALL JUDGMENT ENTRIES, INCLUDING SETTLEMENT ENTRIES SHALL STATE WHICH PARTY WILL PAY THE COURT COSTS.

RULE 2.02 LANDLORD/TENANT ACTIONS: Ohio Revised Code Chapter 1923 shall govern landlord/tenant actions filed in this Court.

(A) The defendant shall be served a summons in accordance with O.R.C. Section 1923.06. The trial date will be set as close to 14 days from the date of filing as possible. The services of summons shall be at least five (5) days before the trial date. Return of service of summons shall be made as soon as practicable after filing of the complaint.

(B) Either party may demand a trial by jury in accordance with Section 1923.10 of the Ohio Revised Code. Said jury demand must be filed no later than three (3) days prior to the date set for trial. No continuances shall be granted longer than eight (8) days but for good cause and only in accordance with O.R.C. Section 1923.08. Plaintiff, and plaintiff's attorney if plaintiff is represented, are required to be present in court at the time of trial or the case may be dismissed.

(C) If defendant fails to appear at the forcible entry and detainer (FED) hearing for possession of the premises, no default judgment on the first cause of action shall be ordered, unless testimony is taken from the plaintiff or witness having personal knowledge regarding the proper form and service of any statutorily required notices and regarding the grounds for the request for restitution of the premises.

(D) A copy of all notices required to be served upon tenants pursuant to Ohio Revised Code Chapters 5321, 5313, 3733 and 1923 or pursuant to federal regulations shall be attached to the complaint as well as any document required pursuant to Rule 10 (D) of the Ohio Rules of Civil Procedure.

(E) When a second cause of action in an FED has been filed alleging money damages, after the issue of possession of premises has been determined, the case will be continued for defendant to answer within 28 days of service of the complaint. In cases where defendant files an answer, the case will be set for pre-trial or motion hearing. If defendant fails to appear or otherwise defend, default judgment may be entered in accordance with these rules and the Ohio Rules of Civil Procedure.

(F) In FED cases based upon failure to pay rent where a counter-claim has been filed, the defendant shall be entitled to a single trial consolidating all claims in accordance with O.R.C. Section 1923.061. To initiate this procedure, defendant must first serve a counter-claim upon plaintiff and file same with the Clerk of Court, before the trial date and shall deposit with the Clerk of Court all or part of the past due rent and rent becoming due during the pendency of the action, unless the Court waives requirement for good cause. If the defendant complies, the case shall be continued no more than three (3) weeks for resolution of all issues between the parties.

(G) Rent escrow proceedings may be initiated pursuant to O.R.C. 5321.07 or 3733.121, by filing an application with the Court and depositing with the Clerk all rent money due to the tenant's landlord. The bailiff shall serve the landlord by personal or residence service in

accordance with Rule 4.1 (2) or (3), Ohio Rules of Civil Procedure. A hearing shall be held within 14 days from the date of filing. At the hearing the tenant must prove by a preponderance of the evidence that before filing the application for rent escrow:

1. reasonable notice was given to the landlord;
2. the landlord violated a statutory or contractual duty justifying the action; and
3. the tenant was current in rent

(H) If the tenant fails to satisfy the burden of proof at a rent escrow hearing, the court shall proceed in accordance with Section 5321.09 (C) or 3733.122 (C) or (D) of the Ohio Revised Code in releasing to the landlord the rent on deposit, less costs.

RULE 2.03 DEFAULT JUDGMENTS: In a civil case, when the Defendant is in default for appearance or answer, judgment shall be rendered in accordance with Rule 55(A) of the Ohio Rules of Civil Procedure.

(A) If the defendant has failed to plead or otherwise defend (having entered no appearance), the Court may grant a default judgment immediately upon written or oral motion in a case involving a liquidated claim, accompanied by an appropriate judgment entry.

(B) If the defendant has failed to plead or otherwise defend, the Court may grant a default judgment in the amount of the prayer if the action is for recovery of money only arising out of damages to personal property and if an affidavit with supporting documentation signed by a party with actual knowledge is filed verifying that the prayer of the complaint reflects a reasonable cost of repairing the property or its diminution in value, whichever is less.

(C) In forcible entry and detainer actions, if the defendant has failed to appear or otherwise defend on the second cause of action, default judgment may be entered upon an oral or written motion when judgment is based upon a liquidated claim and when the motion is accompanied by an affidavit with supporting documentation signed by a party with actual knowledge verifying that the amount is accurate. A second cause of action claiming unliquidated damages will be set for an assessment hearing.

(D) The party seeking relief by default judgment shall file with the motion an affidavit in compliance with the Soldier's and Sailor's Civil Relief Act, 50 U.S.C. Section 520(l). Failure to file the affidavit may render the judgment voidable as provided by federal law.

(E) If the defendant has entered an appearance in the action, in accordance with Civil Rule 55(A), a hearing shall be set on the application for the default judgment with defendant or

defendant's representative being given at least fourteen (14) days notice before the hearing date.

(F) In a case seeking default judgment based upon a contract, account or note with a specified interest rate, interest shall accrue at the appropriate rate until date of judgment, when interest accrued will be added to the principal due. Upon date of judgment, interest will accrue at the statutory rate of interest as provided by O.R.C. 1343.03.

(G) A default judgment may only be vacated in accordance with Rule 60 of the Ohio Rules of Civil Procedure.

RULE 2.04 COGNOVIT NOTE JUDGMENTS: No judgment based upon a warrant of attorney to confess judgment against the defendant contained in any instrument executed after January 1, 1974 shall be rendered by the Court, unless the requirements of O.R.C. Sections 2323.13 have been met.

RULE 2.05 SATISFACTION OF JUDGMENT: Satisfaction in whole or part, of any judgment shall be effected by filing an appropriate order or entry with the Clerk which has been approved by the plaintiff or judgment creditor, or his counsel. Payment of costs, unless otherwise excused by the Court for good cause shown, shall be required prior to any filing of an order or entry of satisfaction.

RULE 2.06 REVIVOR OF JUDGMENT: All costs accrued in a case must be paid upon the filing of a motion to revive a judgment. Motions to revive judgment must be filed in writing and served upon the other party. A hearing shall be scheduled and notice given at least fourteen (14) days prior to the scheduled hearing date.

RULE 2.07 JURY TRIALS: Jury trials will be conducted in accordance with the Ohio Rules of Civil Procedure, Defiance Municipal Court Jury Management Plan and the following local rules:

(A) In a civil case, other than forcible entry and detainer actions, either party may demand a trial by jury within time specified by Rule 38 of the Ohio Rules of Civil Procedure by first filing a deposit of \$200.00 with the Clerk of Court. Said jury demand and deposit must be filed fourteen (14) days prior to the date scheduled for trial.

(B) In forcible entry and detainer actions, a jury may be demanded as specified in O.R.C. Section 1923.10, and upon posting bond as specified in O.R.C. Section 1923.08.

(C) In any civil jury case, counsel for plaintiff shall file a trial brief with the Clerk at least twenty (20) days before the date of trial. Copies of the trial brief shall be certified to all opposing counsel or parties unrepresented by counsel. Reply briefs shall be filed with the Clerk of Court at least ten (10) days before the date of trial with copies certified to all opposing counsel or unrepresented parties.

(D) Jurors for civil and criminal cases shall be chosen and summoned by the Clerk of Court as provided by law.

(E) If there are not enough persons to constitute the required panel, the Court may order the panel filled from the bystanders, or from among the citizens from within the territorial jurisdiction of this court, or may order additional jurors from the Clerk of Court.

(F) The costs of a jury trial shall include the costs for jurors. The party demanding a jury shall be required to deposit \$200.00 within fourteen (14) days after receipt of trial date and shall be charged \$70.00 for calling off the Jury, regardless of the service of the jurors on a case unless a jury demand is withdrawn by a party at least 14 days in advance of the scheduled trial.

RULE 2.08 WITNESSES AND SUBPOENAS: It is the responsibility of counsel to ascertain the availability of witnesses and to arrange to have them available when their respective case is called.

(A) Counsel shall instruct witnesses to check in at the Civil Division Office upon arrival in order to verify their attendance and in order to be entitled to any witness fees.

(B) The Clerk of Court, shall process requests for subpoenas from a praecipe or written instruction, filed at least five (5) business days in advance of the trial, unless otherwise allowed by the Court. Subpoenas shall be served provided in Rule 45(B) of the Ohio Rules of Civil Procedure.

Service of subpoenas to members of law enforcement agencies shall be by delivery from the Clerk's office to the command officer of the law enforcement agency. The command officer shall make service and return in an appropriate manner.

RULE 2.09 INVOLUNTARY DISMISSAL OF ACTIONS: Any civil case which is on the regular docket for six (6) months or any small claims case which is on the small claims

docket for four (4) months without a proceeding taken therein, shall be dismissed for want of prosecution after written notice has been sent to counsel, unless good cause is shown why such dismissal should not be effected.

RULE 2.10 FINDINGS OF FACT AND CONCLUSION OF LAW: Parties requesting findings of fact and conclusions of law shall submit concurrently with their request proposed findings of fact and conclusions of law.

RULES OF PRACTICE FOR CRIMINAL AND TRAFFIC CASES

RULE 3.01 APPEARANCE OF DEFENDANTS IN CRIMINAL CASES:

(A) Defendants in criminal cases shall be required to appear before the Court by notice to appear, summons, arrest, or continuance from a former court date. Defendants must appear for arraignment and no waiver of arraignment shall be allowed unless made by defendant or legal counsel in person or in writing prior to the arraignment date, or upon express oral approval of the Judge.

If a waiver of arraignment is made in writing it must be accompanied by a plea to the offense charged, a statement that defendant waives his/her right to personally appear for the purposes of arraignment, a statement that defendant has been advised as to his/her rights and the possible penalties of any conviction for the offense charged accompanied by a waiver of any applicable time requirements.

If a waiver to personally appear for arraignment has been orally approved by the Judge, a written waiver, containing the information specified in the preceding paragraph, together with a plea to the charge and a time waiver must be filed within five (5) days or defendant will be summoned to appear for arraignment.

(B) Service shall be made in accordance with the applicable Rules of Criminal Procedure and Traffic Rules.

RULE 3.02 BENCH WARRANTS: The Court may issue bench warrants pursuant to Rule 4, Ohio Rules of Criminal Procedure in accordance with the following guidelines:

(A) Defendants who fail to appear in court for the first time (initial arraignment) who have been properly notified to appear for arraignment by means of citation or summons and for whom

there is a mandatory court appearance may have bench warrants issued against them by the Court.

(B) In those minor misdemeanor cases where defendants do not have a mandatory court appearance and fail to pay the fine and costs or to appear, bench warrants may be issued, with appropriate fees being assessed. Further, pursuant to O.R.C. 2935.27(d) in minor misdemeanor traffic cases, the Court in addition to issuing a bench warrant or in lieu thereof, may declare a forfeiture of defendant's operator's license for failure to pay fine/costs or appear.

(C) In the case of bailed persons who fail to appear, the Court may issue a bench warrant and order a forfeiture of the bond posted.

(D) In cases where the defendant has failed to appear at the end of a stay of a jail sentence, the Judge shall order the sentence enforced and further, that a bench warrant be issued for the arrest of the defendant.

(E) Where the Court has issued a warrant for the arrest of a person who has previously failed to answer a notice to appear, citation, or summons, or where the Court has issued a bench warrant upon the failure of a person to appear in accordance with bail release conditions, upon the apprehension or appearance of defendant upon the warrant, the case shall be brought before the next session of the Court, whether or not the defendant is re-released on bond.

(F) In cases of defendants given a notice to appear, citation or summons to court, who have been previously notified in accordance with Rule 3.01, an arrest warrant shall issue, subject to proof of service.

RULE 3.03 (A) MINOR MISDEMEANOR APPEARANCE AND WAIVER PROCEDURE: Pursuant to Criminal Rule 4.1 a Violations Bureau for the disposition of minor misdemeanor offenses other than traffic is hereby established. A person charged with a minor misdemeanor offense or such other misdemeanor offense as from time to time may be specifically included in this procedure by administrative order of the Court, may, in lieu of appearance in court and within the time specified in the citation, appear personally at the Clerk's office or by mail, sign a waiver of trial, plead guilty in writing, and pay the stated fine and costs established by administrative order of the Court.

RULE 3.03 (B) NOT GUILTY PLEA IN MINOR MISDEMEANOR CASES: If the defendant enters a not guilty plea to a minor misdemeanor traffic and/or criminal offense and it is not a companion offense to a higher degree misdemeanor and/or felony charge, then the

matter will be scheduled for a trial to the Court within the time specified in the Ohio Rules of Criminal Procedure unless the time limitation is waived by the defendant.

RULE 3.04 TRAFFIC VIOLATIONS BUREAU: Pursuant to Ohio Traffic Rule (OTR) 13, a Traffic Violations Bureau is hereby established. A person [but not an organization as defined in section 2901.01(d) of the Ohio Revised Code] charged with a traffic violation waiveable under OTR 13, or under administrative order of the Court, may in lieu of appearance in court, and within the time specified in the citation, appear personally at the Clerk's office or by mail and sign a waiver of appearance, plead guilty in writing and pay the stated fine and costs as established by administrative order of the Court.

RULE 3.05 CASE MANAGEMENT IN CRIMINAL/TRAFFIC CASES: The purpose of this rule is to establish, pursuant to M.C. Sup. Rule 18, a system for criminal case management which will provide for the fair and impartial administration of criminal cases. These rules shall be construed and applied to eliminate unnecessary delay and expense for all parties involved in the criminal justice system.

(A) ARRAIGNMENTS: All criminal and/or traffic cases shall be arraigned in accordance with the Ohio Rules of Criminal/Traffic Procedure and Local Rule 3.01(a).

(B) PRE-TRIALS: At arraignment or upon the filing of a written plea of not guilty, all first degree and second degree misdemeanors shall be set for pre-trial conference by the assignment commissioner; all other misdemeanors shall be set for trial unless the Judge orders a pre-trial, or defendant requests that a pre-trial be scheduled in his/her respective case. When possible, said pre-trials are to be scheduled within thirty (30) days after arraignment or at the Court's earliest convenience.

The pre-trial shall be conducted in accordance with Criminal Rule 17.1 and a memorandum of the matters agreed upon may be filed in said case by the Law Department and/or prosecutor.

The respective parties are to exchange discovery and file any pre-trial Motions within the time specified by the Court prior to the pre-trial conference. Defense counsel shall bring with them to the pre-trial their court calendars and information concerning any dates when their client/witnesses will not be available for motion hearings and/or trial.

Prosecutors shall bring with them to the pre-trial the vacation and/or court schedule of their arresting agencies and should have available for review/discussion witness statements and log books.

At the conclusion of each Court ordered pre-trial, the matter will be scheduled for either a

motion hearing or trial. Nothing in this rule shall be construed to prevent defense counsel and/or the prosecutor to conduct informal pre-trials as their respective schedules may allow prior to hearing and/or trial date.

Any attorney who fails to appear for pre-trial without just cause being shown to the Court may be punished for contempt. If the defendant should fail to appear for pre-trial and his/her absence can not reasonably be explained by his/her respective counsel, a warrant will be ordered for said defendant's arrest.

At the conclusion of the pre-trial, cases will be set for trial to the Court unless a jury trial is demanded in accordance with Rule 23 of the Ohio Rules of Criminal Procedure or unless a motion hearing has been requested.

(C) MOTIONS: All motions shall be made in writing and accompanied by a written memorandum containing the arguments of counsel. Motions must be filed within the time limits established by the Ohio Rules of Criminal Procedure.

Time within which a hearing or trial must be held shall be charged against the party filing the Motion, regarding speedy trial.

(D) CONTINUANCES: Attorneys shall bring their calendars/ appointment books with them to the pre-trial conference. Any case set for a motion hearing or plea hearing or trial at the pre-trial shall not be continued except upon motion with supporting memorandum, to be determined by the Court.

When a continuance is requested for the reason that counsel is scheduled to appear in another case assigned for trial on the same date in another trial court, counsel shall attach a copy of said assignment notice to the motion for continuance. The case which was set first for trial shall have priority and shall be tried on the date assigned. Criminal cases will have priority over civil cases and felonies have priority over misdemeanors.

Written motions and accompanying judgment entries must be filed within five (5) days after any oral requests for a new date.

RULE 3.06 TRIALS:

(A) TRIALS TO THE COURT: Each case not resolved at the pre-trial and not scheduled for a motion hearing shall be set for trial to the Court, unless a jury trial has been demanded in accordance with Rule 23 of the Ohio Rules of Criminal Procedure.

(B) JURY TRIALS: A criminal and/or traffic defendant charged with other than a minor misdemeanor is entitled to a jury trial of eight (8), pursuant to Rule 23 (A) of the Ohio Rules of Criminal Procedure. Except as otherwise provided herein, a defendant shall be tried to the Court unless a jury demand has been filed with the Court.

A jury trial will be automatically scheduled in cases in which it is alleged that the defendant has violated a statute or ordinance prohibiting the operation of a motor vehicle while under the influence of alcohol or drugs of abuse and it is alleged to be a third or more such violation within the last five (5) years. The defendant must file a timely written waiver of his right to a trial by jury in these cases.

A written waiver of the jury demand is required in all other cases wherein a written jury demand has been filed. Said waiver must be filed at least fourteen (14) days prior to scheduled trial date, or prior to the entrance of any plea or commencement of any trial to the court.

The written waiver of the jury trial must state whether the case is to be set for a plea hearing or a trial to the Court. An appropriate judgment entry should also be submitted to the Court for its approval. Counsel for the respective parties should confirm the plea hearing date or trial to the Court date with the court assignment commissioner.

In any case in which a jury trial is demanded and jurors have been summoned, the attorneys must notify the Court at least fourteen (14) days prior to the day scheduled for trial of any change in plea or waiver of the jury or jury costs will be assessed against the case. The assessment for calling off the jury after jurors have been summoned is \$70.00 plus the \$12.00 juror fee for each respective juror whom the Clerk is unable to reach prior to the scheduled time of trial.

RULE 3.07 CRIMINAL COURT COSTS: The basic court costs in all criminal, quasi-criminal and traffic cases shall be as follows:

- a. Moving violations and criminal cases \$ 40.00
- b. Non-moving traffic offenses and
quasi-criminal cases \$ 23.00
- c. Probation violations \$ 23.00

The following items shall be assessed as costs in all criminal, quasi-criminal and traffic cases:

- 1. MOTIONS:
 - (a) Motion for modification of sentence \$ 15.00
 - (b) Motion for early release \$ 15.00

(c) Modification of license suspension	\$ 15.00
(including petitions for limited driving privileges; petitions to terminate suspension)	
** for appeals of administrative license suspensions please see costs for civil cases	
2. All other petitions/motions	\$ 18.00
3. Continuances:	
(a) Arraignment	\$ 2.00
4. Bonds:	
(a) General unsecured appearance bonds & written personal recognizance	\$ 2.50
(b) Property bonds	\$ 10.00
(c) Wavier of extradition	\$ 2.50
(d) No contact orders	\$ 2.50
(e) Temporary protection orders	\$ 2.50
5. Jury Fees:	
(a) Summoning jurors in for trial	\$ 20.00
(b) Calling off jury trial after summons has been issued to prospective jurors	\$ 70.00
** plus 12.00 per juror whom the Court is unable to reach prior to the time scheduled for trial	
6. Witness Fees:	
(a) Requests for subpoenas	\$ 2.00
plus service fees	
(b) Fee paid to witness for appearing	\$ 6.00
plus mileage	
7. Plea agreements/hearings	\$ 2.00
8. Revised or subsequent cards to drive	\$ 5.00
9. Fines and costs	
(a) Payment agreements	\$ 5.00
(b) Summons to appear for non-payment	\$ 5.00
plus costs of service	

10. (a) Initial order for participation in alcohol/
drug rehabilitation programs; work release
programs; diversion programs, community service
programs; reporting probation \$ 10.00
- (b) Rescheduling or modification of any of the
above \$ 10.00
- (c) MODIFICATION OF JAIL COMMITMENT
- Change date/time of reporting to jail
- Change release person/place
- Grant of work release
- Furlough requests
** FEE PAYABLE AT TIME CHANGE REQUESTED** . \$ 10.00
11. Changing from alcohol intervention program (AIP)
to jail or from jail to AIP \$ 25.00
12. A. Expungements/record sealing \$ 50.00
- B. Fee for investigation and records check \$ 20.00
(EXPUNGEMENT CASES, MILITARY/EMPLOYMENT BACKGROUND CHECKS)
13. No proof or late proof of FRA filings \$ 5.00
14. Post-sentence modifications of operator's
license suspension or driving record to
BMV \$ 15.00
15. License forfeiture notices (interstate
compact notices; Ohio operator's license
forfeiture notice; cancel out of state
license) \$ 2.00
16. Request and journal entry authorizing BMV
to renew or retest defendant's driver's
license \$ 5.00
17. Written notifications to BMV except as listed
above or to correct Court's errors or original

traffic dispositions set out in uniform	
traffic ticket	\$ 2.00
18. BMV print-out	\$ 2.00
19. Bindovers to Common Pleas Court	\$ 23.00

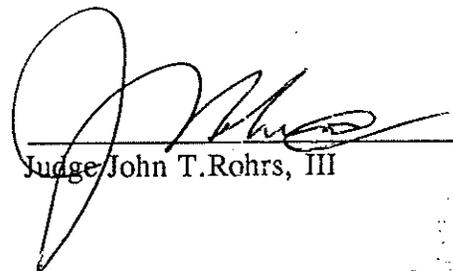
RULE 3.08 WITNESSES AND SUBPOENAS: It is the responsibility of counsel to ascertain the availability of witnesses and to arrange to have them available when their respective case is called.

(A) Counsel shall instruct witnesses to check in at the Clerk's office upon arrival in order to verify their attendance and in order to be entitled to any witness fees.

(B) The Clerk of Court, Criminal Division, shall process subpoenas from a praecipe or written instructions, filed at least five (5) business days in advance of the trial, unless otherwise allowed by the Court. Subpoenas shall be served as provided in Rule 17(D) of the Ohio Rules of Criminal Procedure.

Service of subpoenas to members of law enforcement agencies shall be by delivery from the Clerk's office to the command officer of the law enforcement agency. The command officer shall make service and return in an appropriate manner.

The foregoing rules of the Defiance Municipal Court shall become effective immediately.



 Judge John T. Rohrs, III

(Revised and adopted June 1, 1994).

FILED
 DEPARTMENT OF COURT
 10/21/14 PM 02:56
 CLERK

IN THE MUNICIPAL COURT OF DEFIANCE, DEFIANCE COUNTY, OHIO

IN RE: PROBATION COSTS
 AND FEES

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JOURNAL ENTRY

January 29, 1998

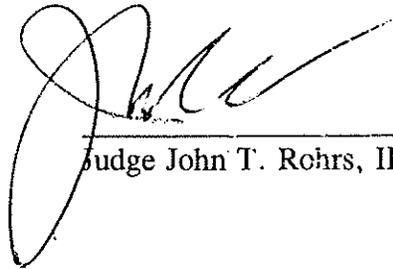
FILED
DEFIANCE COUNTY, OHIO
98 JAN 29 PM 2:40
CLERK

Effective February 1, 1998 there shall be assessed an additional court cost on all cases in which probation is Ordered for the individual involved.

Each probationer shall be assessed a monthly probation fee of Thirty Dollars (\$30.00), payable immediately upon signing for probation and each month thereafter.

All funds generated shall be held by the Clerk of Court for the Defiance County Municipal Court; shall be forwarded to the Defiance County Municipal Court Probation Services Fund; and shall be used only for probation services as Ordered by the Court pursuant to §737.41 of the Ohio Revised Code.

SO ORDERED.



Judge John T. Rohrs, III

IN THE MUNICIPAL COURT OF DEFIANCE, DEFIANCE COUNTY, OHIO

**IN RE: ADOPTION OF ADDENDUM TO
DEFIANCE COUNTY MUNICIPAL
COURT RULES OF JUNE 1, 1994**

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**JOURNAL ENTRY
January 29, 1998**

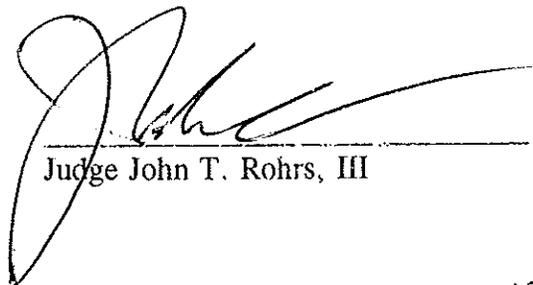
There is hereby added **RULE 2.11 MEDIATION** effective immediately:

(A) Mediation services will be available for all civil cases and small claims cases filed in this Court. Cases falling under these categories may be assigned to mediation based upon the case number assigned by the Clerk of the Court or may be optionally assigned to mediation by the Court upon the Motion of either counsel or the Court's own Motion or in the event of an unrepresented party upon the request of said party.

(B) All matters assigned to mediation through the Henry/Defiance Court Mediation Services shall be at no additional cost to the participants. Upon the conclusion of mediation the Court shall be notified by the mediator as to whether or not the mediation was successful and the Court shall thereafter take the appropriate action in assigning this matter for any further hearings, if necessary.

(C) Any party who intentionally fails to appear for a mediation session as Ordered by the Court shall be subject to sanctions including those for Contempt of Court for their failure to appear.

SO ORDERED.



Judge John T. Rohrs, III

FILED
DEFIANCE MUNICIPAL CT.
98 JAN 29 PM 3:32
CLERK

**IN THE MUNICIPAL COURT OF DEFIANCE
DEFIANCE COUNTY, OHIO**

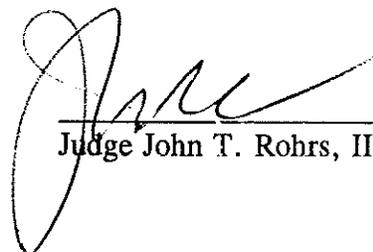
IN RE: JUROR FEES

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JOURNAL ENTRY

February 1, 1999

It appearing to the Court that the State Legislature has increased the compensation rate payable to jurors; IT IS HEREBY ORDERED, ADJUDGED and DECREED that effective January 1, 1999, that jurors be compensated Thirty Dollars (\$30.00) per diem, to be paid in the manner provided by law; in any case in which a jury trial is demanded and jurors have been summoned, the jury costs assessed will be increased to include the Thirty Dollars (\$30.00) per diem as set forth in Local Rules of Court §3.06(B) and §3.07(5)(b).



Judge John T. Rohrs, III

FILED
FEB - 1 AM 8:08
SIS A. HANCOCK
CLERK

**IN THE MUNICIPAL COURT OF DEFIANCE
DEFIANCE COUNTY, OHIO**

IN RE: OVERPAYMENT

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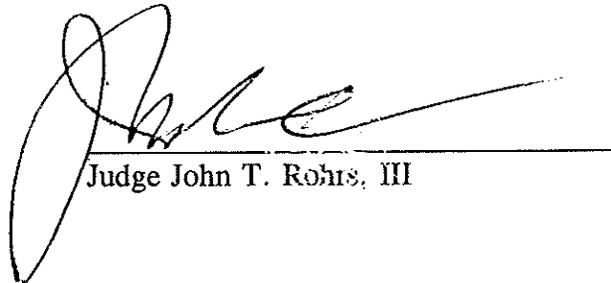
JOURNAL ENTRY

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February 25, 1999

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It appearing to the Court that any overpayment received by the Defiance Municipal Court in the amount of Ten Dollars (\$10.00) or less will be retained by the Defiance Municipal Court and remitted to the Finance Director of the City of Defiance at the end of the month it was received in.



Judge John T. Rohrs, III

FILED
FEB 25 1999
CLERK

IN THE MUNICIPAL COURT OF DEFIANCE
DEFIANCE COUNTY, OHIO

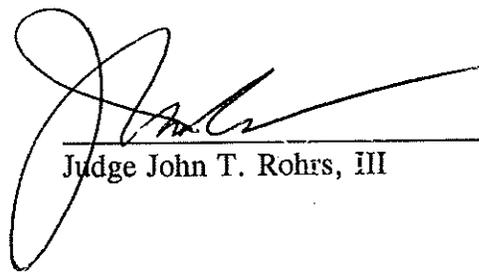
IN RE: ADOPTION OF AMENDMENT TO * JOURNAL ENTRY
 DEFIANCE COUNTY MUNICIPAL *
 COURT RULES OF JUNE 1, 1994 * January 6, 2000

FILED
JAN 06 2000
00 JAN -6 AM 8:48
JAMES A. HARBOURD
CLERK

Effective January 1, 2000, the filing fee in RULE 1.08 COURT COSTS AND
SECURITY DEPOSITS, GENERALLY: are amended as follows:

Civil filing fees:

- No. 13. Post judgment proceedings
 - a. Proceedings in aid of execution.....\$15.00
(received as a non-refundable filing fee)
 - b. Garnishments:
 - (i) Wage garnishment filing fee.....\$70.00
(includes the non-refundable filing fee and garnishee fee)
 - (ii) Non-wage garnishment filing fee.....\$25.00
(plus \$1.00 check payable to financial institution)
 - (iii) deleted
 - c. Execution of judgment/attachments of property.....\$20.00



Judge John T. Rohrs, III

**IN THE MUNICIPAL COURT OF DEFIANCE
DEFIANCE COUNTY, OHIO**

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IN RE: ADOPTION OF AMENDMENT TO * JOURNAL ENTRY
DEFIANCE COUNTY MUNICIPAL * August 28, 2000
COURT RULES OF JUNE 1, 1994 *

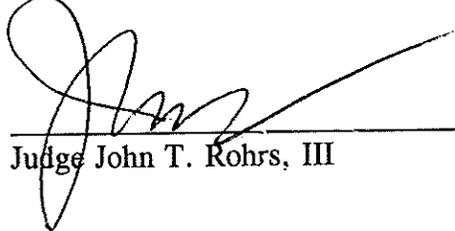
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FILED
 RECEIVED
 00 AUG 28 AM 8:16
 JESS A. LANGRISH
 CLERK

Effective August 28, 2000, the garnishee fee is deleted in RULE 1.08 **COURT COSTS**
AND SECURITY DEPOSITS, GENERALLY: are amended as follows:

Civil filing fees:

- No. 13. Post judgment proceedings
 - a. Proceedings in aid of execution.....\$15.00
 (received as a non-refundable filing fee)
 - b. Garnishments:
 - (i) Wage garnishment filing fee.....\$60.00
 (the additional \$10.00 garnishee fee is deleted)
 - (ii) Non-wage garnishment filing fee.....\$25.00
 (plus \$1.00 check payable to financial institution)
 - c. Execution of judgment/attachments of property.....\$20.00



 Judge John T. Rohrs, III

**IN THE MUNICIPAL COURT OF DEFIANCE
DEFIANCE COUNTY, OHIO**

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IN RE: ADOPTION OF AMENDMENT TO * JOURNAL ENTRY
DEFIANCE COUNTY MUNICIPAL *
COURT RULES OF JUNE 1, 1994 * May 10, 2001
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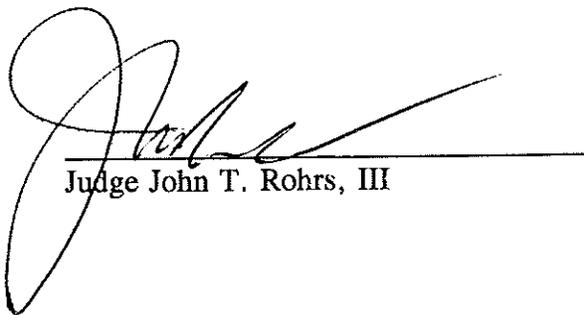
FILED
 DEPT. CLERK
 MAY 10 2001
 DEFIANCE COUNTY, OHIO

Effective May 10, 2001, the filing fee for appeals in RULE 1.08 COURT COSTS AND SECURITY DEPOSITS, GENERALLY: are amended as follows:

23. MISCELLANEOUS COSTS AND CHARGES:

9) APPEALS:

- a) Deposit for the Clerk of Court of Appeals \$100.00
- b) Preparing file for appeal \$ 40.00
- c) Transcripts for appeal prepared by court reporter or reporting agency \$ 10.00
 (plus amount charged by court reporter/agency)



 Judge John T. Rohrs, III

IN THE MUNICIPAL COURT OF DEFIANCE, DEFIANCE COUNTY, OHIO

IN RE: SPECIAL PROJECTS FUND

JOURNAL ENTRY

December 29, 2003

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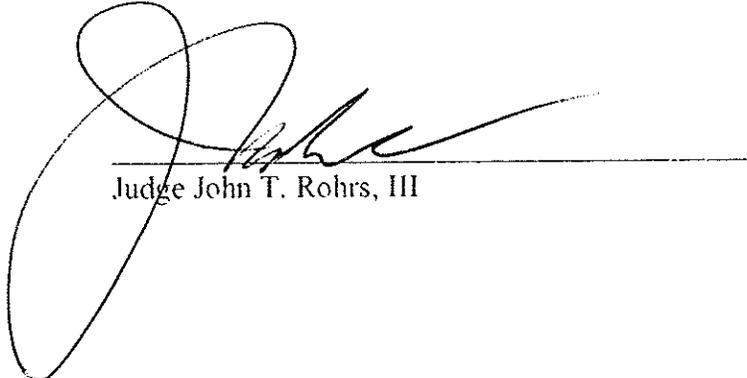
FILED
DECEMBER 29 PM 1:03
CLERK

It being determined that, for the efficient operation of the Court, additional funds are necessary to acquire and pay for special projects of the Court; effective January 1, 2004, pursuant to Ohio Revised Code §1901.26(B)(1), there is hereby established a special projects fund and a fee of Fifteen Dollars (\$15.00) shall be assessed in addition to all other court costs, on the filing of each criminal cause, civil action or proceeding, or judgment by confession.

All monies so collected shall be paid monthly by the Municipal Court Clerk to the City Treasurer for deposit into a general special projects fund.

Monies so paid shall remain in said fund for disbursement as necessary upon further Order of the Court.

SO ORDERED.



Judge John T. Rohrs, III

**IN THE MUNICIPAL COURT DEFIANCE
DEFIANCE COUNTY, OHIO**

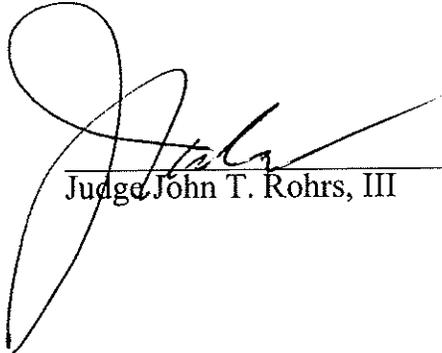
**IN RE: ADOPTION OF AMENDMENT TO
DEFIANCE COUNTY MUNICIPAL
COURT RULES OF JUNE 1, 1994**

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**JOURNAL ENTRY
March 24, 2004**

Effective April 1, 2004, costs in Rule 1.08 COURT COSTS AND SECURITY DEPOSITS, GENERALLY: are amended as follows:

Certified mail fee \$ 5.00
Local costs (in all criminal and civil cases) \$16.00



Judge John T. Rohrs, III

FILED
DEFIANCE MUNICIPAL CT.
04 MAR 24 PM 1:57
LOUIS A. HARBOURT
CLERK

**IN THE MUNICIPAL COURT OF DEFIANCE
DEFIANCE COUNTY, OHIO**

**IN RE: ADOPTION OF AMENDMENT TO
DEFIANCE COUNTY MUNICIPAL
COURT RULES OF JUNE 1, 1994**

**JOURNAL ENTRY
OCTOBER 26, 2004**

Effective November 1, 2004, **RULE 1.07 (C) FACSIMILE FILING**, is amended as follows:

The Court will allow documents to be filed by facsimile transmission to **(419) 782-2018** subject to the following conditions:

(A) Applicability

1. These rules apply to all divisions in the Defiance Municipal Court.
2. Documents in which a fee or deposit is required will not be accepted for filing by facsimile transmission until:
 - a. the fee or deposit has been paid; or
 - b. arrangements have been made to pay the fee or deposit.

(B) Definitions

1. A "facsimile transmission" means the transmission of a source document by a facsimile machine that encodes a document into optical or electrical signals, transmits and reconstructs the signals to print a duplicate of the source document at the receiving end.
2. A "facsimile machine" means a machine that can send and receive a facsimile transmission.
3. "Fax" is an abbreviation for "facsimile" and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.
4. "Source document" means the document transmitted to the Court by facsimile machine/system.
5. "Effective original document" means the facsimile copy of the source document received by the Clerk of Court and maintained as the original document in the Court's file.

6. "Effective date and time of filing" means the date and time that a facsimile filing is accepted by the Clerk of Court for filing and time-stamped by the Clerk of Court and/or Clerk of Court personnel.

7. "Failed fax filing" means that the transmitted document(s) failed to include required criteria as set forth by these rules and was NOT accepted by the Clerk of Court and/or Clerk of Court personnel for filing.

(C) Original filing

1. A document filed by fax shall be accepted as the effective original filing. The person making a fax filing is not required to file any source document with the Court but must maintain in their records and have available for production on request by the Court the source document filed by fax, with the original signatures as otherwise required under the applicable rules, together with the source copy of the facsimile cover sheet used for the subject filing.

2. The source document filed by fax shall be maintained by the person making the filing until the case is closed and all opportunities for post judgment relief are exhausted.

(D) Cover page

1. The person filing a document by fax shall also provide therewith a cover page containing the following information:

- a. the name of the Court;
- b. the title of the case;
- c. the case number or indicate that one has not been assigned;
- d. the title of the document being filed;
- e. the date of the transmission;
- f. the transmitting fax number;
- g. an indication of the number of pages included in the transmission, including the cover page; and
- h. the name, address, telephone number, fax number, Supreme Court registration number, if applicable, and the e-mail address of the person filing the fax document if available.

2. If a document is submitted by fax to the Court without the cover page information listed above, the Clerk may deposit the document in a file of "failed faxed documents" with a notation of the reason the document shall not be considered filed with the Court.
3. The Court will not send any form of notice to the sending party of a failed fax filing.

(E) Signature

1. A party who wishes to file a signed source document by fax shall either:
 - a. fax a copy of the signed source document; or
 - b. fax a copy of the document without the signature but with the notation "/s/" followed by the name of the signing person where the signature appears in the signed source document.
 - c. a party who files a signed document by fax represents that the physically signed source document is in their possession or control.

(F) Exhibits

1. Each exhibit to a facsimile produced document that cannot be accurately transmitted via facsimile transmission for any reason must be replaced by an insert page describing the exhibit and why it is missing. Unless the Court otherwise orders, the missing exhibit shall be filed with the court as a separate document, not later than five (5) Court days following the filing of the facsimile document. Failure to file the missing exhibits as required by this paragraph may result in the court striking the document and/or exhibit.
2. Any exhibit filed in this manner shall be attached to a cover sheet as outlined in section (D).

(G) Time of filing

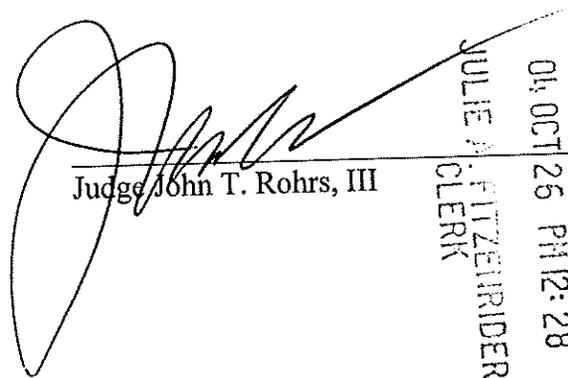
1. Subject to the provisions of these rules, all documents sent by fax and accepted by the Clerk shall be considered filed with the Court as of the date and time the Clerk time-stamps the document received, as opposed to the date and time of the fax transmission. Facsimile transmissions may be sent at any time, however, any documents received by the Court outside of normal business hours of the office of

the Clerk of Court will be file stamped in the order of their receipt the next business day.

2. Fax filings may NOT be submitted to the Court by any other means but may only be transmitted directly through the facsimile equipment operated by the Clerk of Court.
3. The Clerk of Court need not acknowledge receipt of a facsimile transmission.
4. The risks of transmitting a document by fax to the Clerk of Court shall be borne entirely by the sending party. Anyone using facsimile filing is urged to verify receipt of such filing by the Clerk of Court.

(H) Length of document

1. Facsimile filings shall not exceed ten (10) pages in length.


Judge John T. Rohrs, III
FILED
04 OCT 26 PM 12:28
JULIE A. FITZGERIDER
CLERK

**IN THE MUNICIPAL COURT OF DEFIANCE
DEFIANCE COUNTY, OHIO**

**IN RE: ADOPTION OF AMENDMENT
TO DEFIANCE COUNTY
MUNICIPAL COURT RULES
OF JUNE 1, 1994**

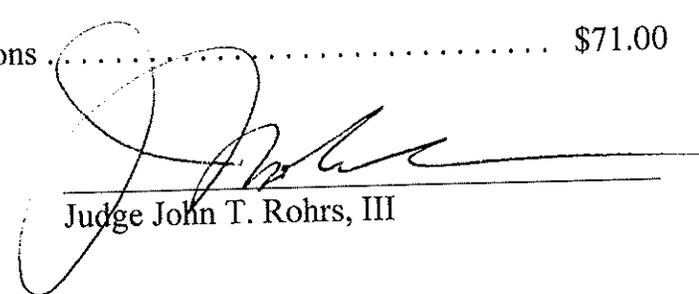
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JOURNAL ENTRY
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September 7, 2005
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It appearing to the Court that the State Legislature has increased the filing fee on all civil and small claims actions; IT IS HEREBY ORDERED, ADJUDGED AND DECREED that effective September 29, 2005, costs in Rule 1.08 COURT COSTS AND SECURITY DEPOSITS, GENERALLY: are amended as follows:

Civil filing fees are as follows:

- | | |
|---|---------|
| 1. Complaint for money only, including third party complaints, cross-claims and counter-claims involving new parties, but excluding cognovit complaints | \$71.00 |
| 2. Complaint for money, cognovit action | \$71.00 |
| 4. Small Claims Division | |
| a. Original complaint for money only | \$54.00 |
| (Includes service on one defendant) | |
| d. Filing of cross-claim or counter-claim | \$54.00 |
| 5. Forcible entry and detainer actions | |
| a. Eviction cause only | \$81.00 |
| b. Eviction cause with second cause for rent and/or damages | \$91.00 |
| 6. Complaint for replevin | \$91.00 |
| 7. All other complaints/petitions | \$71.00 |

FILED
 SEP - 9 AM 10:54
 CLERK



 Judge John T. Rohrs, III

**IN THE MUNICIPAL COURT OF DEFIANCE
DEFIANCE COUNTY, OHIO**

**IN RE: ADOPTION OF AMENDMENT TO
ADDENDUM TO DEFIANCE COUNTY
MUNICIPAL COURT RULE OF
JANUARY 29, 1998**

JOURNAL ENTRY

January 23, 2007

Effective February 1, 2007, **Rule 2.11 MEDIATION**, is amended as follows:

Upon order of the Court, a matter filed in this Court may be submitted to mediation as provided in this Rule.

(A) Definitions

All definitions found in the "Uniform Mediation Act" (UMA) Ohio Revised Code 2710.01 are adopted by this court through this local rule including, but not limited to the following:

- (1) "Mediation" means any process in which a mediator facilitates communication and negotiation between the parties to assist them in reaching a voluntary agreement regarding their dispute.
- (2) "Mediator" means an individual who conducts a mediation.
- (3) "Mediation Communication" means a statement, whether oral, in a record, verbal, or non-verbal, that occurs during a mediation or is made for purposes of considering, conduction, participating in, initiating, continuing, or reconvening a mediation or retaining a mediator.
- (4) "Proceeding" means either of the following:
 - (a) Judicial, administrative, arbitral or other adjudicative process, including related pre-hearing and post-hearing motions, conferences, and discovery;
 - (b) A legislative hearing or similar process.

(B) Scope

A case may be referred to mediation by order of the Court. The Court may issue the order on its own motion, upon the motion of counsel, upon referral by the mediator or upon agreement of the parties. A case may also be referred to mediation by random selection.

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DEFIANCE COUNTY, OHIO
MUNICIPAL COURT

(C) **Procedures**

(1) All remaining court orders shall remain in effect. No order is stayed or suspended during the mediation process.

(2) Continuances of scheduled mediations shall be granted only for good cause shown and by the Mediation Coordinator or the Judge or Magistrate who referred the case. Except as authorized by the Court, the existence of pending motions shall not be good cause for a continuance and no continuance will be granted unless the mediation can be scheduled prior to the final pretrial.

(3) Pursuant and subject to the provisions of the "Uniform Mediation Act" (UMA) Ohio Revised Code 2710.01 to 2710.10, the Rules of Evidence, and any other pertinent judicial rule, all communications related to the mediation or made during the mediation process shall be governed by the privileges as set forth in the "Uniform Mediation Act" (UMA). Upon written agreement, all communications may be confidential. The Mediator shall inform the Court who attended and whether the case settled. If the case has not settled, then the Mediator shall inform the Court whether the case is scheduled for further mediation or is returned to the Court for further proceedings. No other information shall be communicated by the Mediator to the Court.

(4) A Mediator acting pursuant to this Local Rule shall have all immunity conferred by statute, rule, and common law.

(5) The efforts of the Mediator shall not be construed as giving legal advice.

(6) In accordance with R.C. 2710.08(A) and (B), the Mediator assigned by the Court to conduct a mediation shall disclose to the mediation parties, counsel, if applicable, and any nonparty participants any known possible conflicts that may affect the Mediator's impartiality as soon as such conflict(s) become known to the Mediator. If counsel or a mediation party requests that the assigned Mediator withdraw because of the facts so disclosed, the assigned Mediator should withdraw and request that the assigned Judge or Magistrate appoint another Mediator. The parties shall be free to retain the mediator by an informed, written waiver of the conflict of interest(s).

(7) All parties shall attend the mediation sessions unless previously excused. Further, at the parties' choice, and pursuant to the UMA, all parties may have their attorney and/or other support person or persons attend the mediation session. The mediator however, shall have the right not to conduct the mediation session if a party insists upon bringing a person to the session that the mediator believes is inappropriate or would harm the process.

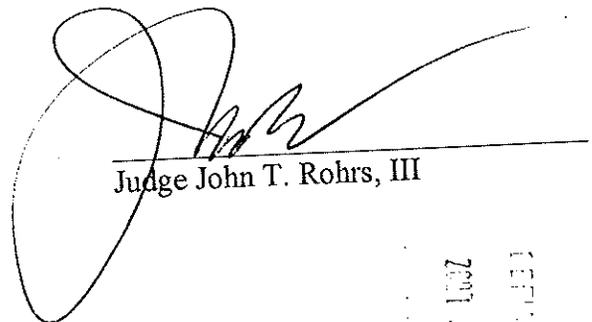
The Mediator shall also have the right to require the attendance of the attorneys at the session if he/she determines it is appropriate and necessary for the process.

Attorneys may, at their option, or must if required on a specific case by the Mediator, submit a mediation memorandum which shall contain the following:

- (a) The elements of each claim asserted by the party filing the mediation memorandum;
- (b) A brief statement of the facts supporting the claim(s); a statement of admitted or undisputed facts; and, a statement of remaining issues of facts to be tried;
- (c) Any amendments required to the pleadings;
- (d) Any tender of issues in the pleadings that are to be abandoned;
- (e) A proposal for settlement of the claim(s). This proposal may be submitted in camera.

Mediation memoranda may be submitted in confidence or exchanged by counsel at their preference. However, any attorney who submits a Mediation Memorandum in confidence shall advise the opposing counsel it is their intention to file it in confidence. Any mediation memorandum submitted under this Rule shall be provided to the Mediator at least five (5) working days prior to the mediation session.

SO ORDERED.



Judge John T. Rohrs, III

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2011 JUN 23 A 8:51
CLERK OF COURT
MICHIGAN

IN THE MUNICIPAL COURT OF DEFIANCE, DEFIANCE COUNTY, OHIO

IN RE: OVI – SPECIAL PROJECTS FUND

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JOURNAL ENTRY

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October 1, 2008

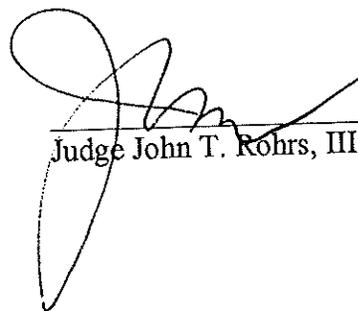
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It being determined that, for the efficient operation of the Court, pursuant to Senate Bill 17, there is hereby established an OVI – Special Projects Fund.

All monies so collected shall be paid monthly by the Municipal Court Clerk to the City Finance Director for deposit into the OVI – Special Projects Fund.

Expenditures from the fund shall be by an order of the Defiance Municipal Court and are to be used exclusively for the purpose of funding immobilizing devices, disabling devices, including ignition interlock devices, and remote alcohol monitoring devices for offenders determined by the court to be indigent and are required by the judge to use these devices.

SO ORDERED.


Judge John T. Kohrs, III

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DEFIANCE COUNTY, OHIO
2008 OCT -2 P 4:58
JULIE A. FITZGERALD
CLERK

**IN THE DEFIANCE MUNICIPAL COURT
DEFIANCE COUNTY, OHIO
RESOLUTION**

A resolution authorizing the Finance Director to establish and maintain an "OVI – Special Projects Fund".

WHEREAS, Section 4511.19 (G)(5)(e) of the Ohio Revised Code requires that fifty dollars of the fine imposed under (G)(1)(a)(iii), (G)(1)(c)(iii) and (G)(1)(d)(iii) to be deposited into an "indigent drivers interlock and alcohol monitoring fund" of the court in which the offender was convicted and that is established under division (B) (1) of section 1901.26 of the Revised Code to be used exclusively to cover the cost of immobilizing or disabling devices, including ignition interlock devices, and remote alcohol monitoring devices for indigent offenders who are required by the judge to use either of these devices, and

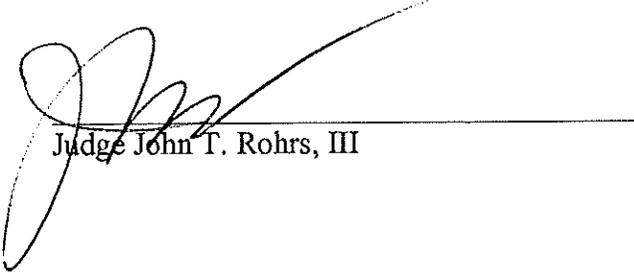
WHEREAS, Section 4511.191(F)(2)(h) of the Ohio Revised Code requires that the Department of Public Safety disburse fifty dollars of the driver's license reinstatement fee to the "indigent drivers interlock and alcohol monitoring fund" to be used only to pay the cost of an immobilizing or disabling device, including a certified ignition interlock device, or an alcohol monitoring device used by an offender who is determined by the judge not to have the means to pay for the person's use of the device, and

WHEREAS, Section 4510.13 (A)(9) of the Ohio Revised Code authorizes the court to impose an additional two dollar and fifty cent court cost to be deposited in the OVI – Special Projects fund.

NOW, THEREFORE, be it resolved that expenditures from the fund shall be by an order of the Defiance Municipal Court and are to be used exclusively for the purpose of funding immobilizing devices, disabling devices, including ignition interlock devices, and remote alcohol monitoring devices for offenders determined by the court to be indigent and are required by the judge to use these devices.

SO ORDERED

October 1, 2008



Judge John T. Rohrs, III

J. M. Finance Dir

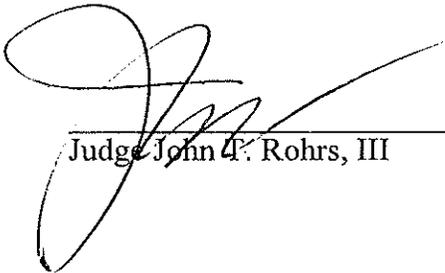
**IN THE MUNICIPAL COURT OF DEFIANCE
DEFIANCE COUNTY, OHIO**

**IN RE: REGISTRATION OF
 BAIL BOND AGENTS
 WITH CLERK**

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**JOURNAL ENTRY
April 28, 2010**

It appearing to the Court that the State Legislature has set forth a procedure for the registration of bail bond agents with the Court Clerk pursuant to Ohio Revised Code Section §3905.87 the Court hereby requires registration as provided in said section.



Judge John P. Rohrs, III

APR 28 2010 10:30 AM
CLERK OF COURT

**IN THE MUNICIPAL COURT OF DEFIANCE
DEFIANCE COUNTY, OHIO**

IN RE: ADOPTION OF AMENDMENT TO * JOURNAL ENTRY
DEFIANCE COUNTY MUNICIPAL *
COURT RULES OF JUNE 1, 1994, *
AND ADDENDUMS/AMENDMENTS *
OF MARCH 25, 1999, JANUARY 6, 2000, *
AUGUST 28, 2000, DECEMBER 29, 2003, *
MARCH 24, 2004 AND SEPTEMBER 7, 2005

Effective January 1, 2012, costs shall be amended as follows:

RULE 1.08 COURT COSTS AND SECURITY DEPOSITS, GENERALLY;

Civil filing fees are as follows:

- | | |
|---|---------------------------|
| 1. Complaint for money only, including third party complaints, cross-claims and counter-claims involving new parties, but excluding cognovit complaints | \$ 85.00 |
| a. Each additional defendant | \$ 7.00 |
| 2. Complaint for money, cognovit action | \$ 85.00 |
| a. Each additional defendant | \$ 7.00 |
| 3. Amended complaints | \$ 8.50 |
| a. Each additional defendant | \$ 7.00 |
| 4. Small Claims Division | |
| a. Original complaint for money only | \$ 64.00 |
| b. Each additional defendant | \$ 7.00 |
| c. Amended Complaint | \$ 8.50 |
| (i) Each additional defendant | \$ 7.00 |
| d. Filing of cross-claim or counter claim | \$ 64.00 |
| e. Transfer from Small Claims docket to Civil docket | \$ 85.00 |
| 5. Forcible entry and detainer actions | |
| a. Eviction cause only | \$ 95.00 |
| b. Eviction cause with second cause for rent and/or damages | \$105.00 |
| 6. Complaint for replevin | \$105.00 |
| 7. Landlord/Tenant | \$1% of
Rent deposited |
| 8. All other complaints/petitions | \$ 81.00 |
| 9. Application for court trusteeship | \$ 60.00 |
| a. Adding creditor to trusteeship (per creditor added) | \$ 3.00 |
| 10. Petition/motion to revive judgment | \$ 20.00 |
| 11. Motion to vacate judgment | \$ 10.00 |

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 DEFIANCE COUNTY, OHIO
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 JAMES A. FITZGERALD
 CLERK

12. Certificates of Judgment	
a. Filing and docket certificate from another Court	\$ 25.00
b. Issuance from this Court	\$ 5.00
c. Release certificate of judgment	\$ 5.00
13. Exemplifications of judgment	\$ 5.00
14. Post judgment proceedings	
a. Proceedings in aid of execution	\$ 20.00
b. Garnishments: (all fees are non-refundable)	
i. Wage garnishment filing fee	\$ 70.00
ii. Non-wage garnishment filing fee	\$ 30.00
iii. Fee for garnishee (under separate check)	\$ 1.00
c. Execution of judgment/attachments of property	\$ 30.00
d. Motion to show cause	\$ 10.00
e. Financial statement (small claims)	\$ 10.00
f. Release garnishment	\$ 5.00
15. Subpoena	\$ 15.00
16. Jury deposit	\$ 500.00
17. Service of process	
a. Certified mail	\$ 8.00
b. U.S. ordinary mail, certificate of mailing	\$ 5.00
c. Residential/personal service (bailiff)	\$ 15.00
d. By sheriff or foreign county	\$ 15.00
e. Publication	\$ actual cost
18. Appraisal fee (attachment/replevin cases)	\$ actual cost

23. MISCELLANEOUS COSTS AND CHARGES

a. All other fees and costs to be taxed in any action or proceeding in this Court not specifically provided for by law pertaining to municipal courts or by administrative order or rule of this Court shall be the same as those set out in the Ohio Revised Code for similar services in Courts of Common Pleas.

b. The following items shall be assessed in all cases, civil and criminal:

- | | | |
|--|----------------|------------------|
| 1. Copies: | 1 to 19 sheets | \$ no charge |
| | 20 sheets | \$ 1.00 |
| | 20 + sheets | \$.05 per sheet |
| 2. Certification of court entry/papers | | \$ 2.00 |

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 CLERK OF COURT
 FITZGERALD

3. Supplemental summons:	
a. certified mail	\$ 8.00
b. U.S. ordinary mail, certificate of mailing	\$ 5.00
c. personal service	\$ 15.00
d. publication	\$ actual cost
4. Capiases and warrants, each (plus costs of service)	\$ 20.00
5. Appeals:	
a. Deposit for the Clerk of Court of Appeals	\$ 100.00
b. Preparing file for appeal	\$ 40.00
c. Transcripts for appeal prepared by court reporter or reporting agency (plus amount charged by court reporter/agency)	\$ 10.00
6. Obtaining closed/stored files; record checks	\$ no charge
7. Certification of case to Common Pleas Court:	
a. base charge to prepare file	\$ 2.50
b. copy of each page of case file	\$.05 per page
8. Credit news per report	\$ 15.00
9. Returned check fee	\$ 25.00

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Rule 3.07 CRIMINAL COURT COSTS: The basic court costs in all criminal, quasi-criminal and traffic cases shall be as follows:

a. Moving violations (\$16.00 local costs, \$10.00 computer fund, \$20.00 special projects fund & \$39.00 state costs)	\$ 85.00
b. Non-moving violations (seat belt, parking & pedestrian violations) (\$16.00 local costs, \$10.00 computer fund, \$20.00 special projects fund & \$10.00 state costs)	\$ 56.00
c. Criminal cases (\$16.00 local costs, \$10.00 computer fund, \$20.00 special projects fund & \$29.00 state costs)	\$ 75.00
d. Probation violations	\$ 23.00
e. Companion/subsequent charges	\$ no charge

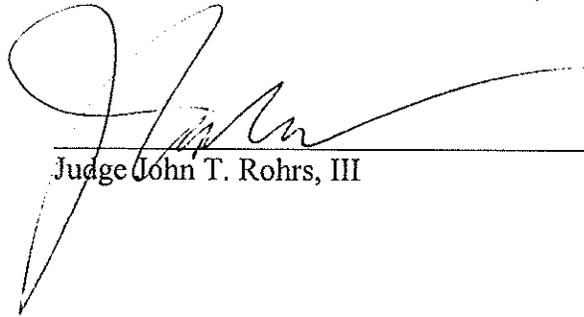
The following items shall be assessed as costs in all criminal, quasi-criminal and traffic cases:

1. MOTIONS:	
a. Motion for modification of sentence	\$ 15.00
b. Motion for early release	\$ 15.00
c. Modification of license suspension (including petitions for limited driving privileges; petitions to terminate suspension) ** for appeals of administrative license suspensions please see costs for civil cases	\$ 15.00
2. All other petitions/motions	\$ 15.00

3. Continuances:	
a. Arraignment	\$ 2.00
4. Public Defender Application Fee	\$ 25.00
5. Bonds:	
a. General unsecured appearance bonds & written personal recognizance	\$ 2.50
b. Property bonds	\$ 10.00
c. Waiver of extradition	\$ 2.50
d. No contact orders	\$ 2.50
e. Temporary protection orders	\$ 2.50
f. Bond surcharge	\$ 25.00
6. Jury fees:	
a. Summoning jurors in for trial	\$ 30.00
b. Calling off jury trial after summons has been issued to prospective jurors (plus \$30.00 per juror whom the Court is unable to reach prior to the time scheduled for trial)	\$ 70.00
7. Witness fees:	
a. Requests for subpoenas (plus service fees)	\$ 5.00
b. Fee paid to witness for appearing (plus mileage)	\$ 6.00 half day \$ 12.00 full day
8. Plea agreements/hearings	\$ 2.00
9. Occupational driving privileges	
a. Occupational Driving Permits	\$ 10.00
b. Revised or subsequent cards to drive	\$ 5.00
c. Restricted/Family Plate Application	\$ 2.00
d. Ignition Interlock Fee	\$ 5.00
e. Immobilization Waiver Fee	\$ 50.00
10. Fines and costs	
a. Payment agreements	\$ 10.00
b. Summons to appear (plus costs of service)	\$ 5.00
c. Letters and written notices	\$ 5.00
d. Late Fee	\$ 10.00
11. Program fees	
a. Initial order for participation in alcohol/drug rehabilitation programs; work release programs; diversion programs; community service programs; AIP/DIP	\$ 10.00
b. Rescheduling or modification of any of the above	\$ 10.00
c. Modification of jail commitment	
- Change date/time of reporting to jail	
- Grant of work release	
- Furlough requests	
FEE PAYABLE AT TIME MOFICIATION REQUESTED	\$ 10.00

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 A. FITZGERALD
 DEPT. OF CORRECTIONS

- | | |
|--|----------|
| 12 A. Expungements/record sealing | \$ 50.00 |
| B. Fee for investigation and records check | \$ 20.00 |
| 13. Post-sentence modifications of operator's license suspension(s) to Bureau of Motor Vehicles | \$ 15.00 |
| 14. Non-resident violator compact notices; Ohio operator's license forfeiture notice; license cancellation | \$ 15.00 |
| 15. Request and journal entry authorizing Bureau of Motor Vehicles to renew or retest defendant's driver's license | \$ 5.00 |
| 16. Bindovers to Common Pleas Court | \$ 48.00 |



Judge John T. Rohrs, III

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COURT HOUSE
COLUMBUS, OHIO

**IN THE MUNICIPAL COURT OF DEFIANCE
DEFIANCE COUNTY, OHIO**

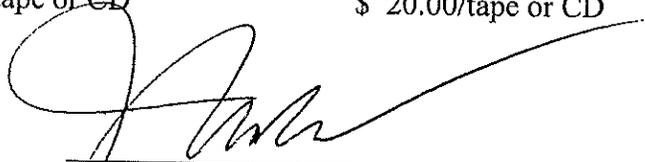
IN RE: ADOPTION OF AMENDMENT TO * JOURNAL ENTRY
DEFIANCE COUNTY MUNICIPAL *
COURT RULES OF JUNE 1, 1994,

Effective June 1, 2012, costs shall be amended as follows:

RULE 23 MISCELLANEOUS COSTS AND CHARGES:

b.) The following items shall be assessed in all cases, civil and criminal:

16.) Copy of Court proceeding on tape or CD \$ 20.00/tape or CD



Judge John T. Rohrs, III

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DEFIANCE MUNICIPAL COURT
2012 MAY 30 P 3:10
MILLIE A. FITZGERIDER
CLERK