

AMENDED

RULES OF PRACTICE OF THE NAPOLEON MUNICIPAL COURT

PART I. GENERAL

Rule 1. SESSIONS

The sessions of this Court, shall be limited to Mondays through Fridays, 7:30am to 4:00pm. Some holidays are excepted from the foregoing. The office of the clerk shall be open for the transaction of business from 7:30am to 4:00pm daily Monday through Friday.

All of the foregoing is subject to temporary modification by the Court to meet emergencies or the requirements of particular cases.

Rule 2. NO TERM OF COURT

There shall be no term of court, but in accordance with Section 1901.29, Ohio Revised Code, for the purpose of computing time, ninety (90) days following judgment shall be considered within term and time thereafter shall be considered after term.

Rule 3. COMPUTATION OF TIME

The time within which an act is required to be done under any rule of this Court shall be computed by excluding the first day and including the last; but when the last day falls on Sunday, a legal holiday or other day on which the Court shall be closed, such a day shall be excluded and the next day which is not Sunday, a legal holiday or other day on which Court is closed shall be counted.

Rule 4. PRACTICE BEFORE THE COURT

Only attorneys regularly admitted to the practice of law shall be permitted to practice in this Court. No official of this Court shall be

permitted to prepare or assist in preparing any pleading in any case to be filed or pending in this Court, with the exception of Small Claims Petitions where the clerk may assist. However, this rule shall not be construed to prohibit a party from acting as his own counsel in an action or hearing before this Court.

#### Rule 5. CONCERNING BAIL AND SURETIES

Good and sufficient surety as provided by statute shall be required in all matters where surety, bail, bond or undertaking is offered.

Neither attorneys at law or other officers of the Court shall be accepted as bail or surety, and no bond shall be approved with such person's name thereon as surety.

#### Rule 6. DOCKETS, BOOKS AND RECORDS

The clerk shall prepare and keep the following dockets and books which shall be public records of the Court:

- (1) A Civil Appearance and Execution Docket in which shall be entered in consecutive order all civil cases brought in this Court, together with all proceedings had therein, properly dated, which docket shall be the final and complete record of such cases, except as hereinafter provided.
- (2) A Journal in which shall be recorded the orders of the Court. The expense of making such record shall be taxed as additional costs and the clerk is authorized to charge such fees as are prescribed for the Court of Common Pleas, for similar services.
- (3) A Record Book in which the clerk shall make and keep a complete record of such cases upon completion as counsel or a party may demand in writing; in all other cases the complete record shall be dispensed

with unless otherwise ordered by the Court. The expense of such record shall be taxed as additional costs and the clerk is authorized to charge such fees as are prescribed in the Court of Common Pleas for similar services.

- (4) A General Index to Civil Cases, showing the name of each Plaintiff and Defendant, direct and reverse.
- (5) A Criminal Appearance Docket, for Ordinance Cases and for the State Cases, in which shall be entered in consecutive order all criminal cases brought in this Court, together with all proceedings had therein, properly dated, which docket shall constitute the final and complete record of such cases, except as otherwise provided by statute or rule of this Court.
- (6) A General Index to Criminal Cases, showing the name of each defendant.

#### Rule 7. AUTHENTICATION OF RECORDS

All records and transcripts of records of this Court shall be authenticated over the signature of the Clerk with the seal of the Court attached.

#### Rule 8. PAPERS FILED WITH THE CLERK

The Clerk shall file and carefully preserve in his office all papers delivered to him for that purpose in every action or proceeding. Original papers and depositions shall not be taken from the files except upon a written order of the Court.

#### Rule 9. COPIES TO BE FURNISHED

Each party to an action, civil or criminal, shall furnish the clerk with as many copies of the complaint, affidavit, or other pleading filed by him as there are parties to the action, excluding himself, and may be called upon by the clerk to furnish such additional copies as may reasonably be required as

the litigation progresses. Each litigant, or his attorney, shall be entitled to receive from the clerk a copy of each such pleading affecting him or his client's interest. No copies of pleadings or other papers shall be made by the clerk. No original papers in any case shall be taken from the office of the clerk, except for use by the Court, but such papers shall be open for examination at any time during office hours by any litigant or his counsel.

#### Rule 10. REQUIREMENTS AS TO PAPERS FILED

All papers filed with the clerk shall be of suitable and substantial material, neatly and legibly printed, written in ink or typewritten, and, except as to pleadings or other instruments prepared upon blanks furnished by the clerk, shall be of legal-cap dimensions, properly designated on the exteriors thereof as to the title and number of each case. Documents consisting of more than one sheet shall be fastened together in a secure and permanent manner.

#### Rule 11. BLANKS FURNISHED BY CLERK

The clerk shall keep on hand a proper supply of such blanks as are usually furnished by Clerks of Municipal Courts, and these papers shall be available for use by litigants and their attorneys. No such blanks shall be filled in or completed by the clerk, except those which may require the official signature of the clerk, such as summonses and executions, and except certificates acknowledging the taking of oaths, approval of bonds and performances of other ministerial acts which the clerk is legally authorized to perform.

#### Rule 12. FEES AND COSTS

All 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 rule

of this Court, shall be the same as those provided by law for similar services in Courts of Common Pleas (for which see R.C. 2303.~~02~~<sup>26</sup>, 311.17 etc.) except as to those services, if any, heretofore, performed by Mayors and County Courts for which no similar service exists in the Court of Common Pleas, in each of which instances the pertinent schedule of fees provided by law shall be followed.

Rule 13. JUDGMENT ENTRIES

All judgments, orders, decisions and rulings entered by the Court shall constitute the judgment entries unless otherwise ordered by the Court. The trial judge may require attorneys or parties in any case to prepare judgment entries and to submit them to opposing counsel or parties who shall approve or reject the same within five (5) days from date received. Such entries shall be approved by the trial judge or, in his absence, by another judge, before being placed upon the journal. In any case a decision made by the Court of any issue presented, whether on pleadings, the merits, or otherwise, upon which counsel do not agree or are not required to prepare a judgment entry, may be reduced to a judgment entry by the Court itself upon its own motion. All entries shall be submitted in duplicate.

Rule 14. COURT REPORTERS

Court reporters shall be used only upon request of counsel for either party to litigation and it shall be the sole responsibility of such counsel to secure, make appointment with and have available such reporter at the time of hearing, and the costs of any such reporter, if so requested, shall be borne by the party requesting the record. Such costs shall not be charged to such party in the cost bill but shall be paid direct to the reporter by the party demanding the record. Bills of exceptions shall be paid for in like manner.

## PART II. CIVIL DIVISION

### Rule 15. PRACTICE AND PROCEDURE

In all civil cases, the provisions of the Ohio Rules of Civil Procedure governing practice, pleading, evidence and procedure in Court of Common Pleas, so far as the same are applicable to the Municipal Court and not inconsistent with the Act establishing this Court or with such of these rules as are lawfully adopted pursuant thereto, shall be held to govern the proceedings herein.

### Rule 16. ACTIONS TO BE NUMBERED

All Civil Actions brought in this Court shall be numbered consecutively and shall be entered upon the Civil Docket as numbered. Thereafter, in filing any papers therein or calling the attention of the Court to any case, it's number must be given.

### Rule 17. COMPLAINTS

Every civil action in this Court shall be commenced by filing in the office of the Clerk a pleading, duly subscribed and sworn to by the plaintiff or, as permitted by law, his agent or attorney, which shall be known as the "Complaint".

Said Complaint shall contain:

- (1) The full name and residence of each plaintiff in the caption thereof.
- (2) The name and residence address of each defendant, if known.
- (3) A concise statement of facts and a demand conforming to the requirements of the Ohio Rules of Civil Procedure.
- (4) In replevin and in forcible entry and detainer cases the Complaint shall conform to and follow so far as applicable the forms of affidavits and complaints in such cases as prescribed by the County Court Code.

Rule 18. STYLE OF SUMMONS AND WRITS

The style of summons and writs to be issued by this Court shall be:

|                    |                          |
|--------------------|--------------------------|
| The State of Ohio, | Napoleon Municipal Court |
| Henry County.      | Napoleon, Ohio.          |

Rule 19. ISSUANCE OF SUMMONS

Upon the filing of a Complaint and deposit with the clerk of proper security for costs as hereinafter provided (see Rule 20), the clerk shall forthwith issue the summons or other notice required and thereupon the action shall be deemed to be commenced.

Each Complaint will be docketed by the Clerk as required by law as soon after such filing as possible.

This rule is subject to such limitations as may be hereinafter provided.

Rule 20. DEPOSIT FOR COSTS

Security for costs shall be deposited with the clerk before any Complaint may be filed or notice issued, as follows:

(1) In Action for Money Only:

|  |                                     |                            |
|--|-------------------------------------|----------------------------|
| (a) Complaint and service on one or more defendants within territorial jurisdiction of the Court | <del>\$20.00</del> <del>30.00</del> | \$55, plus \$5/ add'l def. |
|--|-------------------------------------|----------------------------|

|   |                                   |                            |
|---|-----------------------------------|----------------------------|
| (b) Complaint and service on one or more defendants outside territorial jurisdiction of the Court | <del>20.00</del> <del>30.00</del> | \$55, plus \$5/ add'l def. |
|---|-----------------------------------|----------------------------|

|                               |                                   |      |
|-------------------------------|-----------------------------------|------|
| (2) In attachment of property | <del>10.00</del> <del>20.00</del> | \$30 |
|-------------------------------|-----------------------------------|------|

|                 |                                   |                           |
|-----------------|-----------------------------------|---------------------------|
| (3) In replevin | <del>20.00</del> <del>30.00</del> | \$55 plus \$5/ add'l def. |
|-----------------|-----------------------------------|---------------------------|

|  |                                   |      |
|--|-----------------------------------|------|
| (4) In forcible entry and/or detention | <del>20.00</del> <del>30.00</del> | \$60 |
|--|-----------------------------------|------|

(5) Cognovit Judgment (without execution or certificate)

in addition to fee provided by rule of Henry County

|  |                                   |      |
|--|-----------------------------------|------|
| Bar Association for attorney confessing judgment | <del>20.00</del> <del>30.00</del> | \$55 |
|--|-----------------------------------|------|

- |  |  |
|--|--|
| (6) Case in which service is by publication  | <del>X20.00</del> 30.00  |
| (7) Garnishment (non-wage/personal earnings) | <del>10.00</del> <del>1.00</del> <del>60.00</del> <del>+ \$1</del> <del>On non-wag</del><br>60.00 + \$1 On non-wag |
| (8) Filing certificate of judgment only      | 1.00 for garnishee   |
| (9) Small Claims                             | <del>5.00</del> <del>x10.00</del> \$30 + \$5/ for<br>add'l def.  |

At the time of issuance of each execution upon judgment, or of notice upon proceedings in aid thereof, a deposit of ~~30.00~~ ~~30.00~~ shall be required if costs, if any, theretofore deposited have been consumed.

In all cases in which it shall be necessary to move, to 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 a further deposit in such amount as he deems necessary to cover all probable costs and expenses.

Any party demanding enforcement of a writ of restitution shall advance the sum required to pay for removal of goods of property from premises.

In all civil cases when a jury trial is demanded, the party making such demand shall deposit as security for costs with the clerk the sum of \$50.00 for a jury of eight and \$100.00 for a jury of twelve persons, provided, however, that the party making such demand may, by leave of court, file in lieu of such deposit of \$50.00 or \$100.00, an affidavit of inability to make such advance deposit. Such demand, accompanied by the proper deposit, affidavit in lieu thereof, as herein provided, shall be made at least fourteen (14) days before the date of the hearing of said case.

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

Upon motion of any party or upon request of the clerk or the Bailiff, and upon a showing that the probable costs will exceed the deposit, the Court may



order a further deposit to be made before additional proceedings are had.

Rule 21. SERVICE OF SUMMONS AND ANSWER DATE

All summons shall be dated the day it is issued and issued by certified mail unless otherwise requested on instruction sheet accompanying the Complaint.

Answer date in action for money only shall be twenty-eight (28) days after service, excluding date of service. In a replevin action, answer date will be set approximately ten (10) days from date of service. Answer in forcible entry and detainer shall be twenty-eight (28) days from date of service, excluding date of service, and ten (10) days in forcible entry only.

Rule 22. ALIAS WRITS

When a summons is returned "Not Served" or "Unclaimed" alias writs may be issued on the request of a party or his attorney until all necessary parties have been summoned.

Other writs or orders may be issued only on written request.

Rule 23. SERVICE BY PUBLICATION

Service by publication may be made upon good cause shown by affidavit in those cases in which service-by publication may be made in Courts of Common Pleas or County Courts, in which the Municipal Court has jurisdiction; provided that in cases where the amount claimed does not exceed \$500.00 exclusive of interest and costs, and in all cases in which attachment of personal property is made regardless of amount, such service by publication shall be made in the same manner and form as prescribed by the County Court Code; and in other cases service by publication shall be made in the same manner and form as prescribed for in the Court of Common Pleas.

Rule 24. EXTENDING RULE DAY

(1) In all cases for good cause shown and upon such terms as are just, the

time for filing pleadings may be extended for such reasonable time as the Court may order. In no case, whether by agreement of counsel or otherwise, shall any period of one extension exceed ten (10) days. Every extension shall be made by Court entry.

(2) Upon motion to a pleading being sustained or overruled, the rule day for amending or pleading further shall be forthwith fixed by the Court and proper entry to that effect shall be prepared and submitted by counsel.

#### Rule 25. PROCEDURE ON PLEADINGS AND MOTIONS

Except as herein otherwise provided, all pleadings and motions shall be made to conform to the rules regulating the practice and procedure in Courts of Common Pleas.

A brief of authorities relied upon must be filed with each motion.

All motions except motions for new trial, may be assigned for hearing and passed on at any time after three (3) days from the date of filing same.

#### Rule 26. DEFAULT JUDGMENT

See Ohio Civil Rules - Rule 55

#### Rule 27. ASSIGNMENTS FOR TRIAL

When the issues in any case have been made by the pleadings, either the plaintiff or the defendant may request that the case be assigned for trial. If the parties agree upon the trial date, they may so inform the Court, who will, if the agreed date is available, assign the case accordingly. If the parties have not agreed upon a trial date, and either party requests an assignment of the case, the Court will confer with both parties, or their attorneys, and give the case a proper assignment acceptable to both if possible; and if such date cannot be found, the Court may assign such case at it's discretion, but in no event further removed than ten (10) days without the consent of the party requesting the

assignment thereof.

The clerk will notify attorneys, or parties when not represented by counsel, by telephone or mail, of the time a case is assigned for trial, and all cases shall be disposed of as soon as practicable.

All cases shall be heard on the day of assignment, continuances being granted only when counsel can show the necessity thereof to the satisfaction of the Court.

In no case shall default judgment be granted or a case set for trial unless the rules herein prescribed have been complied with by the parties.

Any case on the docket for six (6) months without request for default judgment or trial may, at the discretion of the Court, be dismissed without notice.

#### Rule 28. TRIAL BY JURY

All civil cases shall be tried to the Court, unless either party shall in writing not less than fourteen (14) days prior to the trial day demand a trial by jury, or unless the Court in the interest of justice on its own motion orders a trial by jury. Further, in any civil action, where a jury is demanded, unless a jury of twelve (12) persons is demanded by either party, or the parties agree to a lesser number than eight (8), such jury shall be composed of eight (8) qualified electors, selected as hereinafter provided.

#### Rule 29. SELECTION OF JURY

On or before January 10th of each year, two jury commissioners shall be appointed by the Court, each of whom shall serve during the calendar year in which they were appointed. Neither of said commissioners shall be an attorney at law and they shall not be of the same political party. When a jury has first been demanded in the year for which said commissioners have been appointed, they shall prepare at least one hundred and twenty (120) slips of paper, upon

each of which they shall write the name and address of an elector living within the jurisdiction of the Court. The names of such electors shall be taken from the pollbooks, or other lists, certified by the Board of Election under Section 2313.06 of the Revised Statutes and such electors shall be apportioned among the City of Napoleon and the townships served by the Court on a basis considered by the commissioners to be equitable. Such cards, or slips shall be placed in a box, or other container, prepared or selected by the jury commissioners and shall be thoroughly mixed and covered in such manner that the names thereon shall not be exposed. The commissioners shall alternate in the withdrawing of names from the box or container and the names so withdrawn shall be read to the Clerk, who shall thereupon record them in the order drawn. Not less than sixty (60) names shall be drawn by the commissioners and shall constitute the venire for the calendar year. Such number of the venire shall be called by the Clerk as, in the opinion of the Court, shall be necessary for each case. They shall be called upon to serve in the order in which their names appear on the Clerk's record in such a way that no veniremen shall be called to serve a second time until all other veniremen have been called at least once or excused from duty.

The prospective jurors may be summoned to appear in any case either by mail or by personal service of notice by the bailiff.

If at any time during the year, the venire of sixty (60) names has been reduced by illness or excuses from jury service granted by the Court for good reason to such degree that the Court feels that the number remaining is inadequate, he may request the jury commissioners to add sufficient names in the same manner herein provided to bring the venire back to its original numbers.

The drawings of jurors as herein provided shall be conducted publicly and in the presence of the Court.

The jury commissioners shall take the oath of office prescribed in Section

2313.03 of the Revised Statutes and shall receive compensation in the amount of \$10.00 a year each.

Jurors shall be compensated at the rate of \$15.00 for each day, or part thereof, for which their presence is required.

When by reason of challenge, or other cause enough jurors summoned as aforesaid to make up the panel are not present, or if the array be set aside, the bailiff shall summon talesmen until the deficiency is made up.

When it is necessary to summon talesmen, the Court on motion of either party shall select them and cause to be issued immediately a venire for as many persons having the qualifications of a juror as in the opinion of the Court may be necessary, which persons shall be required to appear forthwith or at such times as may be fixed by the Court, but no person known to be in or about the courtroom shall be selected without the consent of both parties.

A challenge to the array may be made as provided for challenge to the array in the Court of Common Pleas.

Causes for challenge to any person called as a juror shall be the same as those provided in the Court of Common Pleas.

#### Rule 30. CONDUCT OF SALES

The Sheriff of Henry County shall follow the rules prescribed by Section 2329.13 et seq., Revised Code of Ohio, in advertising and conducting sales upon attachment, execution and foreclosure of Security Agreements.

#### Rule 31. ALTERNATIVE SERVICE OF WRITS AND PROCESS BY MAIL

In addition to the rules hereinbefore prescribed, and by virtue of Section 2703.23, Revised Code, service of summons, subpoenas and notices issued by this Court may be made by mail, registered or first class, as by said section authorized and provided; service and return of such writs and process, when made in

accordance with the provisions of said section, shall be as effective and of the same force and effect in this Court as if made as otherwise provided by these rules and the statutes; postage, in such case, shall be taxed as part of the costs in an action wherein it is used.

PART III. CRIMINAL DIVISION

Rule 32. CONCERNING CRIMINAL CASES

(1) Insofar as applicable, all rules of the Civil Division of this Court shall control and be in effect in the Criminal Division.

(2) Every criminal action in this Court shall be commenced by filing in the Clerk's office a proper affidavit. The original affidavit shall be accompanied by at least one copy thereof and more copies shall be furnished by the complaining witness if the Clerk at any time considers more than one copy necessary. So far as possible, attorneys for complaining witnesses shall prepare, or assist the Clerk in the preparation of, warrants to be issued on affidavits filed by them.

(3) No affidavit for arrest shall be prepared by the Judge, Clerk or Bailiff of this Court; but the Clerk shall, if requested to do so, take the oaths of the complaining witnesses.

(4) Criminal cases shall, so far as possible, take priority over civil cases as to hearing dates and in each case wherein the accused is incarcerated for lack of bond, a hearing shall be held as soon as the business of the Court will permit.

(5) No accused shall be tried for any offense without first being given the opportunity to employ counsel, and arresting and incarcerating officers shall permit each accused a reasonable use of the telephone for the purpose of securing counsel or to notify relatives or friends of his arrest and to make arrangements for bond.

(6) Such continuances will be granted at the request of the accused or his counsel as appear reasonable to the Court.

(7) In all cases in which affidavits are filed by law enforcement officers,

the City Law Director or his assistant, the Prosecuting Attorney or his assistant, shall represent the prosecution if requested by such officers or by the Court. In each case in which the complaining witness is not a law enforcement officer, he may employ counsel in his own behalf or he may request the assistance of the City Law Director or his assistant, the Prosecuting Attorney or his assistant, who shall appear in the case if he considers it one of sufficient importance to justify his presence or if his presence is requested by the Court.

(8) All persons accused of bailable offenses shall be permitted to give proper bond as soon as reasonably possible and the sufficiency thereof shall be passed upon by the Clerk, who shall abide by, and follow, all pertinent statutes or ordinances with respect thereto.

(9) Juries in criminal cases shall consist of eight persons, chosen from the panel provided for in Rule 29 hereof.

(10) In any case in which the accused shall enter a plea of guilty, no evidence as to the guilt or innocence of the accused shall be received, but either or both the prosecution and the defense may adduce such further evidence or make such statements as may assist the Court in determining the nature and extent of the penalty to be imposed; and the Court may require such further information, insofar as the same may be legally done.

(11) Every law enforcement officer shall, for the purpose of each case in which he appears in discharge of his duties as such officer, be considered as an officer of this Court and entitled to such privileges and immunities as thereto attach, and shall be subject to the order of the Court. The testimony of such officer shall not, however, be entitled to any greater weight than that of any other witness.

(12) The provisions of the Constitutions of the United States and the State of Ohio shall be strictly observed.



# NAPOLEON MUNICIPAL COURT, NAPOLEON, OHIO

## FACSIMILE FILING RULE

The provisions of this local rule are adopted under Civ.R.5<sup>(B)</sup>, Civ.R.73(J), Crim.R.12(B), Juv.R.8, App.R. 13(A).

Pleadings and other papers may be filed with the Clerk of Court by facsimile transmission to (419)592-1805 subject to the following conditions:

### APPLICABILITY

- 1.01 These rules apply to civil, criminal, traffic and small claims proceedings in the Napoleon Municipal Court.
- 1.02 The following documents will not be accepted for fax filing: cognovit promissory notes.

### ORIGINAL FILING

- 2.01 A document filed by fax shall be accepted as the effective original filing. The person making a fax filing need not file any source document with the Clerk of Court but must, however, maintain in his or her records and have available for production on request by the court the source document filed by fax, with original signatures as otherwise required under the applicable rules, together with the source copy of the facsimile cover sheet under for the subject filing.
- 2.02 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.

### DEFINITIONS

- 3.01 A "facsimile transmission" means the transmission of a source

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NAPOLION MUNICIPAL COURT

document by a facsimile machine that encodes a document into optical or electrical signals , transmits and reconstructs the signals to **print** a duplicated of the source document at the receiving end.

- 3.02 A “facsimile machine” means a machine that can send and receive a facsimile transmission.
- 3.03 “Fax” is an abbreviation for “facsimile” and refers, as indicated by the context, to facsimile transmission or to a document so transmitted.

### COVER PAGE

- 4.01 The person filing a document by fax shall also provide therewith a cover page containing the following important information:
1. The name of the court
  2. The title of the case
  3. The case number
  4. The assigned judge
  5. The title of the document being filed
  6. The date of transmission
  7. The transmitting fax number
  8. An indication of the number of pages included in the transmission, including the cover page.
  9. If a judge or case number has not been assigned, state that fact on the cover page.
  10. The name, address, telephone number, fax number, Supreme Court Registration number, if applicable, and e-mail address of the person filing the fax document if available, and
  11. If Applicable, a statement explaining how costs are being submitted.
- 4.02 If a document is sent by fax to the Clerk of Court without the cover page information listed above, the Clerk may, at its discretion:
1. Enter the document in the case docket and file the document
  2. Deposit the document in a file of failed faxed documents with a notation of the reason for the failure; in this instance, the

document *shall not* be considered filed with the Clerk of Courts.

- 4.03 The Clerk of Court is not required to send any form of notice to the sending party of a failed fax filing. However, if practicable, the Clerk of Court may inform the sending party of a failed fax filing.

### SIGNATURE

- 5.01 A party who wishes to file a signed source document by fax shall either:
1. Fax a copy of the signed source document; or
  2. 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.

- 5.02 A party who files a signed document by fax represents that the physically signed source document is in his/her possession or control.

### EXHIBITS

- 6.01 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.
- 6.02 Any exhibit filed in this manner shall be attached to a cover sheet containing the captions of the case which sets forth the name of the court, title of the case, the case number, name of the judge and the title of the exhibit being filed (e.g., Plaintiff Smith’s Notice of Filing exhibit “G” to Plaintiff’s Smith’s Response to Defendant’s Motion to Dismiss), and shall be signed and served in conformance with the rule governing the signing and service of pleadings in this court. (see appendix for sample exhibit cover sheet).

## **TIME OF FILING**

- 7.01 Subject to the provisions of these rules, all documents sent by fax and accepted by the Clerk shall be considered filed with the Clerk of Court as of the date and time the fax transmission was received by the Clerk of Court. The office of the Clerk of Court will be deemed open to receive facsimile transmission of documents on the basis of 24 hours per day seven days per week including holidays. Each page of any document received by the Clerk will be automatically imprinted with the date and time of receipt. The date and time imprinted on the documents will determine the time of filing, Provided the document is deemed accepted by the Clerk.
- 7.02 The Clerk of Court may, but need not, acknowledge receipt of a facsimile transmission.
- 7.03 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 with the Clerk of Court through whatever technological means are available.

## **FEES AND COSTS**

- 8.01 No document filed by facsimile that requires a filing fee shall be accepted by the Clerk for filing until the court cost and fees have been paid.
- 8.02 No additional fee shall be assessed for facsimile filings.

## **LENGTH OF DOCUMENT**

- 9.01 Facsimile Filings shall not exceed twenty (20) pages in length. the filer shall not transmit service copies by facsimile.

## **EFFECTIVE DATE**

- 10.01 These local rules shall be effective December 1, 2004 and shall govern all proceedings in actions brought after they take effect and

also further proceedings in pending actions, except to the extent that, in the opinion of the court, their application in a particular action pending on the effective date would not be feasible or would work an injustice, in which event, the former procedure applies.

Submitted to the Supreme Court of Ohio on October 29, 2004.

Notification of Approval by the Supreme Court of Ohio on November 26, 2004.

NAPOLEON MUNICIPAL COURT  
1819 OAKWOOD AVENUE  
NAPOLEON, OHIO 43545  
PHONE: (419) 592-2851  
FAX: (419) 592-1805

6-1-09  
MAY 15 2009 10:00 AM  
COURT

CIVIL FEE SCHEDULE (REVISED AND EFFECTIVE JANUARY 1, 2009)

PREJUDGMENT FEE SCHEDULE

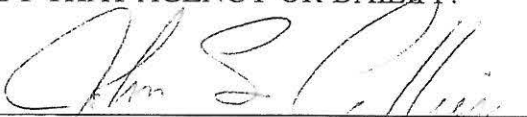
|  |   |
|--|---|
| CIVIL COMPLAINTS:<br>(money & cognovit claims) | \$80.00 (defendant \$10.00 each<br>additional defendant on same<br>complaint.                     |
| ANSWERS WITH COUNTER<br>CLAIMS OR CROSS CLAIMS | \$80.00   |
| REPLEVIN                                       | \$200.00 (\$10.00 for each additional<br>defendant)   |
| THIRD PARTY COMPLAINT                          | \$80.00 (\$10.00 for each additional<br>defendant)  |
| FORCIBLE ENTRY & DETENTION                     | \$95.00   |
| AMENDED COMPLAINTS<br>(civil or small claim)   | \$25.00   |
| SMALL CLAIMS COMPLAINT                         | \$40.00 ( \$10.00 each additional<br>on the same complaint)                                       |
| SMALL CLAIMS QUESTIONAIRE                      | \$15.00   |
| JURY DEPOSIT                                   | \$500.00 (due 30 days prior to<br>trial)  |
| SUBPOENAED WITNESSES                           | \$6.00 (plus \$.10/mile roundtrip if<br>witness resides outside city limits<br>of Napoleon, Ohio. |
| TRUSTESHIP                                     | \$75.00   |
| BMV PETITION                                   | \$75.00 (each modification of driving<br>schedule \$5.00/change.                                  |
| REISSUE CERTIFIED MAIL<br>TO NEW ADDRESS       | \$10.00   |

POST JUDGMENT FEE SCHEDULE

|                                    |                                       |
|------------------------------------|---------------------------------------|
| DEBTOR'S EXAM                      | \$35.00 (per debtor)                  |
| GARNISHMENT<br>(wages)             | \$75.00                               |
| GARNISHMENT<br>(non wage)          | \$75.00 (\$1.00 payable to garnishee) |
| FILING CERTIFICATE OF<br>JUDGMENT  | \$10.00                               |
| ISSUE A CERTIFICATE OF<br>JUDGMENT | \$10.00                               |
| MOTION TO REVIVE                   | \$25.00                               |
| MOTION TO SET ASIDE<br>JUDGMENT    | \$25.00                               |
| MOTION TO SHOW CAUSE               | \$25.00                               |
| ISSUE BENCH WARRANT                | \$25.00                               |
| WRIT OF EXECUTION                  | \$50.00                               |
| WRIT OF ATTACHMENT                 | \$50.00                               |
| WRIT OF RESTITUTION                | \$25.00                               |

ANY FILINGS REQUIRING PERSONAL, RESIDENTIAL SERVICE OR POSTING OF SERVICE BY A LAW AGENCY OR BAILIFF WILL BE BILLED FOR THE ACTUAL SERVICE FEE CHARGED BY THAT AGENCY OR BAILIFF.

Dated: December 19, 2008

  
\_\_\_\_\_  
Judge, John S. Collier

FILED

2014 SEP 30 PM 1:43

NAPOLEON MUNICIPAL COURT

IN THE NAPOLEON MUNICIPAL COURT

RE: NEW LOCAL RULE REGARDING  
ELECTRONICALLY PRODUCED  
TRAFFIC TICKETS

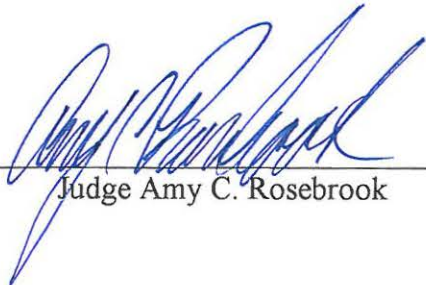
JOURNAL ENTRY

WHEREAS: Amendments to Traffic Rule 2 and 25 were adopted by the Supreme Court of Ohio and became effective January 1, 2014; and

WHEREAS: Traffic Rule 3(F)(1) requires the Court to adopt local rules:

IT IS HEREBY ORDERED, the use and filing of a ticket that is produced by computer or other electronic means is hereby authorized in the Napoleon Municipal Court. The electronically produced ticket shall conform in all substantive respects to the Ohio Uniform Traffic Ticket. If an electronically produced ticket is issued at the scene of an alleged offense, the issuing officer shall provide the defendant with a paper copy of the ticket, in compliance with Traffic Rule 3(F)(1) and (2).

9/30/14  
Date

  
\_\_\_\_\_  
Judge Amy C. Rosebrook