

Notice of Forfeiture of Land Contract and to Leave Premises - R.C. § 5313.06

To: _____ buyer(s)/successor(s) in interest, and all other occupants. In ten, or more, days from the date of this notice your interest in the property described will stand forfeited and the undersigned will commence an eviction lawsuit under Revised Code Chapters 1923 & 5313 to recover possession of said property, including all improvements and associated real estate, unless the buyer(s)/successor(s) in interest perform the terms and conditions of the contract (except, default in payment which must have been cured within thirty days of default and which thirty days expired prior to issuance of this notice), or vacate the premises within ten days of service hereof.

Land Contract: Vendor(s)-Seller: _____

Vendee(s)-Buyers: _____

Date: _____

Property in Delaware County, Ohio _____

From: X _____

Seller/Successor: _____

Date of notice: _____

Delivered/served on _____, 20____,

by registered/certified mail,

handed to the person(s)

left at the property / last known residence

by _____

Contract Violation(s): _____

You are being asked to leave the premises. If you do not leave, an eviction action may be initiated against you. If you are in doubt regarding your legal rights and obligations as a tenant, it is recommended that you seek legal assistance.

R.C. § 1923.04 Notice - Service.

(A) Except as provided in division (B) or (C) of this section, a party desiring to commence an action under this chapter shall notify the adverse party to leave the premises, for the possession of which the action is about to be brought, three or more days before beginning the action, by certified mail, return receipt requested, or by handing a written copy of the notice to the defendant in person, or by leaving it at the defendant's usual place of abode or at the premises from which the defendant is sought to be evicted.

Every notice given under this section . . . shall contain the following language printed or written in a conspicuous manner: "You are being asked to leave the premises. If you do not leave, an eviction action may be initiated against you. If you are in doubt regarding your legal rights and obligations as a tenant, it is recommended that you seek legal assistance."

(B) The service of notice pursuant to R.C. § 5313.06 constitutes compliance with the notice requirement of division (A) of this section. The service of the notice required by division (C) of R.C. § 5321.17 constitutes compliance with the notice requirement of division (A) of this section. . . .

R.C. § 5313.05 Default of vendee.

When the vendee of a land installment contract defaults in payment, forfeiture of the interest of the vendee under the contract may be enforced only after the expiration of thirty days from the date of the default. A vendee in default may, prior to the expiration of the thirty-day period, avoid the forfeiture of his interest under the contract by making all payments currently due under

the contract and by paying any fees or charges for which he is liable under the contract. If such payments are made within the thirty-day period, forfeiture of the interest of the vendee shall not be enforced.

R.C. § 5313.06 Notice of forfeiture.

Following expiration of the period of time provided in R.C. § 5313.05, forfeiture of the interest of a vendee in default under a land installment contract shall be initiated by the vendor or by his successor in interest, by serving or causing to be served on the vendee or his successor in interest, if known to the vendor or his successor in interest, a written notice which:

(A) Reasonably identifies the contract and describes the property . . . ;

(B) Specifies the terms and conditions of the contract which have not been complied with;

(C) Notifies the vendee that the contract will stand forfeited unless the vendee performs the terms and conditions of the contract within ten days of the completed service of notice and notifies the vendee to leave the premises. Such notice shall be served by the vendor or his successor in interest by handing a written copy of the notice to the vendee or his successor in interest in person, or by leaving it at his usual place of abode or at the property which is the subject of the contract or by registered or certified mail by mailing to the last known address of the vendee or his successor in interest.

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