

INSTRUCTIONS ON FILING A MOTION FOR PROCEEDING SUPPLEMENTAL

- Use this form once a judgment has been ordered against the defendant and the defendant fails to pay the judgment. If you know where the defendant is employed, you may be able to pursue garnishment on their paycheck, provided the Defendant qualifies for a garnishment order.
- You must complete all of this form before the court processes it. If you know defendant's employer, you can add that information on the garnishee defendant (employer) section.
- If you provide garnishee defendant (employer) information, the court will send interrogatories (questionnaire) to the employer to confirm the defendant's employment and income.
- If you are requesting the defendant be served by the sheriff, you will need to provide a **stamped envelope addressed to the defendant** and pay **\$28.00 post judgment sheriff fee**. This is in addition to the fee you paid when you filed your original claim.
- Once the form is complete, bring the form to the Bartholomew County clerk office where they will give you a receipt for payment of the sheriff fee. You will then bring the form, envelope, and receipt to the small claims office.
- You will receive an e-notice with a link to your order and hearing date and time.
- If you have any further questions, feel free to contact our office at 812-379-1620. Most questions can be answered by referring to the small claims manual and the frequently asked questions.

STATE OF INDIANA)
)
COUNTY OF BARTHOLOMEW) SS

IN THE BARTHOLOMEW SUPERIOR COURT NO.2

CASE NO. 03D02 SC

Plaintiff(s)

VS

Defendant(s)

Garnishee Defendant (Employer)

**VERIFIED MOTION FOR
PROCEEDINGS SUPPLEMENTAL**

**Please Note: An Additional fee may be imposed when
requesting sheriff service on any post judgment pleading.**

Comes now the Plaintiff, and states that to the best of his knowledge:

1. Plaintiff owns the judgment rendered in this cause against the defendant(s);
2. Plaintiff has no cause to believe that levy of execution against the defendant(s) will satisfy the judgment;
3. Plaintiffs judgment is unsatisfied;
4. The garnishee defendant (employer) has in its possession the following personal property of the defendant(s), wages, salaries, commission, earnings and income;
5. The approximate balance of that judgment on the date this Motion was filed was _____
(If you do not know the balance of the judgment, please contact the Bartholomew County Clerk at 379-1600.)

WHEREFORE, Plaintiff moves the court to issue an order notifying defendant(s) of hearing on these proceedings and requiring the garnishee defendant to answer interrogatories concerning the defendant's property in its possession.

I swear or affirm under the penalty of perjury that the foregoing representations are true.

Date: _____ Signature of Plaintiff: _____
(or Plaintiff's attorney)

The following manner of service is hereby designated:

_____ Certified mail to judgment defendant.

_____ Service on defendant by sheriff at residence or at place of employment,

to-wit: _____

INSTRUCTIONS FOR BOTH PARTIES

1. TRIAL: Both parties must appear for trial at the Bartholomew Superior Court No.2 in the Courthouse, Third Floor, Columbus, Indiana, at the date and time shown on the reverse side. If the Claimant fails to appear, the Claim may be dismissed. If the Defendant fails to appear, a default judgment against him may be entered and he may be required to pay the full amount, plus costs.

2. PROCEDURE: Simply tell your side of the case. There are no technical rules. Although you do not need to hire an attorney you may retain one **PRIOR TO TRIAL DATE**. Be prepared on the trial date. Bring all witnesses and documents with you. SUBPOENAS (an order to appear issued by the Court) may be issued if needed. Contact the Court as soon as possible. Documents you may need include books, records, receipts, warranties, etc.

3. CORPORATIONS: A corporation must appear by attorney, or, in unassigned claim not exceeding fifteen hundred dollars (\$1,500.00), by a full time employee of the corporation designated by the Board of Directors to appear as the corporation in the presentation or defense of Claims arising out of the business of the corporation. A compliance form can be obtained upon request at the small claims office.

4. CONTINUANCES: If you are unable for good cause to appear at the time and place designated above, contact the Bartholomew Superior Court No. 2, Courthouse, Columbus, Indiana, telephone **379-1610** at least **seven (7)** days before you are to appear.

5. COUNTER-CLAIMS: If you have a Claim for money against the Claimant arising out of the same transaction or occurrence, you may file a counter-claim with the Court. Counter-claim must be filed at least **seven (7)** days prior to the trial date. If the amount of your counter-claim exceeds the jurisdiction of this Court, you give up the right to the excess over that amount by filing your counter-claim in the small claims division. Both the Claimant's claim and your counter-claim will be heard at the same trial. However, if you wish to file a counter-claim larger than the jurisdiction of this Court all formal and technical rules will apply and for this reason, it is advisable that you contact an attorney.

6. GENERAL QUESTIONS: Court personnel may be able to answer general questions about the procedure and practices. The telephone number is **379-1610**. However, if you need legal advice, you **MUST** contact an attorney as neither the judge nor Court personnel can advise you.

7. COURT COSTS: The Claimant has to pay court costs when the lawsuit is filed. If the claimant wins, the Defendant will be required to pay court costs, interest and attorney fees (in some cases) to the Clerk of the Court.

8. CHANGE OF TELEPHONE OR ADDRESS: Advise the Court of any changes in telephones or addresses after the lawsuit is filed.

9. PAYMENTS: Payments must be made to the Clerk of the Courts unless other procedures are established by the Court.

10. WHEN PAID IN FULL: When a judgment has been PAID IN FULL by the Defendant, the Claimant or Counsel **MUST** go to the office of the Clerk of the Courts, first floor of the Courthouse, and release the judgment against the Defendant.

11. NONPAYMENT OF JUDGMENT: When a losing Defendant fails to pay the judgment as ordered by the Court, you may file proceedings to gain information concerning the Defendant's assets. There are generally no additional costs for this proceeding, however, there may be exceptions.

12. JURY TRIAL: The Claimant has waived his right to jury trial by filing this small claim. A Defendant may request a jury trial by filing a written request with the Court stating the reasons, including the statement that there are questions of fact requiring jury trial, and that the request is made in good faith. It **MUST** be filed within ten (10) days from the date you received this notice or the jury trial is waived. The Defendant must also pay an additional fee upon the jury trial request. Jury trials are tried under formal rules of procedure and evidence, and for this reason it is advisable that you contact an attorney.

13. JURISDICTION: You must file the Claim in the county where the transaction or occurrence took place, where the obligation was incurred or where it is to be performed, or where the Defendant resides or has his place of employment.

14. APPEAL: The decision of the Court may be appealed to the Indiana Court of Appeals. You will be unable to appeal unless you notify an attorney in time to allow him to take action within thirty (30) days after judgment is entered. For this reason you should contact an attorney not later than seven (7) days after judgment.