

INSTRUCTIONS ON FILING A NOTICE OF CLAIM FOR EVICTION AND DAMAGES

- You must complete the entire form except for the case number and court date and time. The court will do this. You must also include a short and clear statement describing why you are filing the claim in the summary portion of the form.
- Once the form is completed, bring it with at least three extra copies to the small claims office. The court will not make copies for you. If there is a signed lease or contract, a copy must be attached to each copy of the claim form.
- If you have any further questions, feel free to contact our office at 379-1610. Most questions can be answer by referring to the small claims manual and the frequently asked questions.

SUMMONS FOR CLAIM FOR EJECTMENT AND DAMAGES

SMALL CLAIM FORM CASE NO. O3D02

Small Claims Division
Bartholomew Superior Court No. 2
Courthouse 3rd Floor, 234 Washington St.
Columbus, Indiana 47201
Telephone (812) 379-1620

Attorney _____

Claimant _____

Address _____

Telephone _____

AGAINST

Name of Defendant

Address

City, State, Zip Code

Telephone Number

SUMMONS

TO THE DEFENDANT(S): You have been sued by the Claimant whose name appears above.

You and the Claimant are to appear on the _____ day of _____, 20__ at _____m.
at the Bartholomew Superior Court No. 2 located on the third floor of the Bartholomew County Courthouse,
Third and Washington Streets, Columbus, Indiana.

CLAIM FOR EJECTMENT AND DAMAGES

The Claimant(s) claim that Defendant(s) have unlawfully retained possession of the property at
_____ and that the Claimant is entitled to possession of such
property, rental value of which \$_____ per month/week. Claimant further claims that the
defendant(s) are indebted to the claimant in the amount of \$_____, which amount
has not been paid and is due and owing. (brief summary)

WHEREFORE, Claimant requests Judgment against the Defendant(s) in the amount of \$_____ plus the costs of this action and any other proper relief.

Signed _____
Claimant

Following manner of service is hereby designated:

_____ Certified Mail to the address indicated above.

_____ Personal Service by the Sheriff at the address indicated above or in care of employer, to wit:

_____ Mailed by Claimant to Defendant by regular U.S. Mail (only if Claimant has requested sheriff service)

See Reverse for Instructions

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, you must file a written request that the hearing be continued. Your request must specifically state why you cannot come to the hearing. All requests for continuances must be filed no later than seven (7) days before the hearing is scheduled.

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 **379-1620**. 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.