

**MEMO**

TO: TO ANYONE FILING A SMALL CLAIM

FROM: KATHLEEN TIGHE CORIDEN, JUDGE BARTHOLOMEW SUPERIOR COURT 2  
JOSEPH W. MEEK, MAGISTRATE BARTHOLOMEW SUPERIOR COURT 2

RE: AMENDMENT TO SMALL CLAIMS RULE 2

DATE: DECEMBER 21, 2010

Small Claims Rule 2 has been amended to require that an Affidavit Of Debt must be attached to any Claim For Damages based on an unpaid account. The amendment is effective January 1, 2011. The affidavit mirrors the requirements of Indiana Trial Rule 9.2. A copy of the Affidavit is attached.

The Affidavit Of Debt must be filed with all claims for unpaid credit accounts, unpaid medical bills, unpaid utilities, and unpaid services. Unpaid services include unpaid attorney fees.

The small claims office has copies of the Affidavit.

Please advise your clients accordingly. In addition, please contact us if you have any questions about this. Thanks for your cooperation.

**AFFIDAVIT OF DEBT PURSUANT TO TRIAL RULE 9.2**

THE AFFIANT NOW STATES:

I \_\_\_\_\_ AM  PLAINTIFF  
(NAME OF AFFIANT)

**OR**

A DESIGNATED FULL-TIME EMPLOYEE OF \_\_\_\_\_  
(NAME OF PLAINTIFF)

I AM OF ADULT AGE AND AM FULLY AUTHORIZED BY PLAINTIFF TO MAKE THE FOLLOWING REPRESENTATIONS. I AM FAMILIAR WITH THE RECORDKEEPING PRACTICES OF PLAINTIFF. THE FOLLOWING REPRESENTATIONS ARE TRUE ACCORDING TO DOCUMENTS KEPT IN THE NORMAL COURSE OF PLAINTIFF'S BUSINESS AND/OR MY PERSONAL KNOWLEDGE:

PLAINTIFF:

IS THE ORIGINAL OWNER OF THIS DEBT.

**OR**

HAS OBTAINED THIS DEBT FROM \_\_\_\_\_ AND THE ORIGINAL OWNER OF THIS DEBT WAS \_\_\_\_\_.

\_\_\_\_\_, DEFENDANT, HAS AN UNPAID BALANCE OF \$ \_\_\_\_\_ ON ACCOUNT \_\_\_\_\_.  
(NAME OF DEFENDANT) (LAST 4 DIGITS OF NUMBER OR ID ONLY)

THAT AMOUNT IS DUE AND OWING TO PLAINTIFF. THIS ACCOUNT WAS OPENED ON \_\_\_\_\_.  
THE LAST PAYMENT FROM DEFENDANT WAS RECEIVED ON \_\_\_\_\_ IN THE AMOUNT OF \$ \_\_\_\_\_.

THE TYPE OF ACCOUNT IS:

CREDIT CARD ACCOUNT (I.E. VISA, MASTERCARD, DEPARTMENT STORE, ETC.)  
LIST THE NAME OF THE COMPANY/STORE ISSUING CREDIT CARD:

- ACCOUNT FOR UTILITIES (I.E. TELEPHONE, ELECTRIC, SEWER, ETC.)
- MEDICAL BILL ACCOUNT (I.E. DOCTOR, DENTIST, HOSPITAL, ETC.)
- ACCOUNT FOR SERVICES (I.E. ATTORNEY FEES, MECHANIC FEES, ETC.)
- JUDGMENT ISSUED BY A COURT (A COPY OF THE JUDGMENT IS REQUIRED TO BE ATTACHED)
- OTHER: (PLEASE EXPLAIN) \_\_\_\_\_

THIS ACCOUNT BALANCE INCLUDES:

- LATE FEES IN THE AMOUNT OF \$ \_\_\_\_\_ AS OF \_\_\_\_\_  
(MONTH, DAY, YEAR)
- OTHER (EXPLAIN) \_\_\_\_\_
- INTEREST AT A RATE OF \_\_\_\_\_ % BEGINNING ON \_\_\_\_\_  
(MONTH, DAY, YEAR)

PLAINTIFF:

IS SEEKING ATTORNEY'S FEES AND ADDITIONAL EVIDENCE WILL BE PRESENTED TO THE COURT PRIOR TO ENTRY OF JUDGMENT ON ATTORNEY'S FEES.

**OR**

IS NOT SEEKING ATTORNEY'S FEES.

PLAINTIFF BELIEVES THAT DEFENDANT IS NOT A MINOR OR AN INCOMPETENT INDIVIDUAL.

I SWEAR OR ARRIFM UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING REPRESENTATIONS ARE TRUE.

DATED: \_\_\_\_\_ SIGNATURE OF AFFIANT: \_\_\_\_\_