

INSTRUCTIONS ON FILING A CLAIM FOR POSSESSION OF PROPERTY (EVICTION)

1. When you complete the *Summons for Claim for Possession of Property* form, the Plaintiff must be the owner of the property.
2. A *Verification of Ownership* form must be completed where you affirm under the penalties for perjury that you are the owner of the property.
3. You must complete the entire *Summons for Claim for Possession of Property* form, except 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 an eviction in the summary portion of the Eviction Form.
4. If there is a lease or contract, a copy must be attached. The lease or contract must be between the Plaintiff (property owner) and the Defendant(s).
5. You must complete an *Appearance* form. The appropriate form must be completed depending on whether you are an individual, sole proprietor, partnership, corporation, LLC, LLP, or other business organization. If you provide an email address on the Appearance Form, the **only** notice of future Court hearings and Orders you will receive will be through email notification. If you do not use your email address on a regular basis, please do not list it.
 - A. If the Plaintiff (property owner) is a sole proprietor or partnership:
 - i. A designated full-time employee of the business may appear if the claim amount does not exceed \$6,000.
 - ii. If the claim amount exceeds \$6,000, the business may only appear by the sole proprietor, a partner of the partnership, or by an attorney. A designated employee of the business may only appear without the sole proprietor or a partner of the partnership if accompanied by an attorney.
 - B. If the Plaintiff (property owner) is a corporate entity, limited liability company (LLC), limited liability partnership (LLP), or trust:
 - i. A designated full-time employee of the business, or a Trustee if it is a trust, may appear if the claim amount does not exceed \$6,000.
 - ii. If the claim amount exceeds \$6,000, the business must be represented by an attorney.
6. If a designated full-time employee of the business is appearing on behalf of the Plaintiff (property owner), a *Certificate of Compliance* form must be completed.
7. If you are requesting the defendant be served by the sheriff, you will need to provide a **stamped envelope addressed to the defendant**.
8. When the appropriate forms are completed, bring the forms and filing fee to the Small Claims Office prior to 4:30 PM and you will be given a hearing date and time. You will then take the forms to the Bartholomew County Clerk's Office where the Clerk will initiate the claim and receipt the filing fee.
9. The filing fee is **\$97.00** (service on one (1) defendant by certified mail.)
 - A. There is a **\$10.00** extra fee for each additional defendant.
 - B. There is also a **\$28.00** extra fee for the sheriff to serve defendant.
 - C. The Bartholomew County Clerk accepts cash, personal check, money orders, and credit/debit card (there is a 3% charge for paying with a card) as forms of payment for filing fees.
10. The jurisdictional limit in Small Claims is \$10,000 for an individual and \$6,000 for a business that is not represented by an attorney. If Plaintiff is seeking damages in excess of \$10,000, the Claim must be filed on the Plenary Docket.
11. If you have any further questions, feel free to contact our office at (812)379-1620.

SUMMONS FOR CLAIM FOR POSSESSION OF PROPERTY

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

Plaintiff _____

Address _____

Telephone _____

Email _____

AGAINST

Name of Defendant

Address

City, State, Zip Code

Telephone Number

Email

SUMMONS

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

You and the Plaintiff are to appear on _____
at the Bartholomew Superior Court No. 2 located on the third floor of the Bartholomew County Courthouse,
234 Washington Street, Columbus, Indiana. Courtroom Number 306.

CLAIM FOR POSSESSION OF PROPERTY

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

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

Signed _____
Plaintiff

Following manner of service is hereby designated:

_____ Certified Mail to the address indicated above.

_____ Service by sheriff and mail copy to address indicated above or in care of employer, to wit.

(Service by sheriff requires a stamped envelope addressed to defendant)

INSTRUCTIONS/IMPORTANT INFORMATION

1. Each Defendant must be served properly under Indiana Rules of Trial Procedure 4-4.17 and 86 for the Court to have jurisdiction. If Plaintiff is using a Private Process Server, Plaintiff shall file a Return Notice of Claim with the Court after attempting Service for each Defendant. The Court cannot proceed without proper service.
2. You do not have to have an attorney to file or respond to a Small Claim. Individual human beings can either hire an attorney or represent themselves in a Small Claim case regardless of the amount of the claim. However, when the claim exceeds \$6,000, corporate entities, including LLCs or trusts, must be represented by an attorney. If the claim is less than \$6,000, corporate entities, including LLCs or trusts, may be represented by a FULL-TIME EMPLOYEE as explained in paragraph 3. A FULL-TIME EMPLOYEE may also represent sole proprietorships and partnerships when the claim does not exceed \$6,000. When the claim exceeds \$6,000, either an attorney, the owner, or a partner must represent sole proprietorships and partnerships.
3. A corporate entity, sole proprietorship, partnership, LLC, LLP, or trust that wishes to designate an employee or trustee to represent it must file a properly executed Certificate of Compliance in each case appointing the person as its representative pursuant to Indiana Small Claim Rule 8(C).
4. A Court may sanction a designated employee or trustee and the entity represented by such designation for failure to comply with these rules or local rules of Court. Sanctions may include assessments of costs or reasonable attorney's fees, the entry of a default judgment, the dismissal of a claim with or without prejudice, fines, and/or incarceration.
5. Plaintiff waives the right to trial by jury by filing a Small Claim. The Defendant may, within ten (10) days following service of the Notice of Claim, demand a trial by jury, in writing, specifying that the demand is made in good faith and supplying the affidavit required by Indiana Code 33-29-2-7. The Defendant must pay the difference in filing fees to the Clerk's Office at the time of the jury request.
6. The Defendant must file any counter claim with the Court in time to be mailed and received by the Plaintiff at least seven (7) calendar days prior to the trial date.
7. A claim must be filed in the county where the Defendant resides or has his/her place of employment, the transaction or occurrence took place, or where the obligation was incurred.
8. Court costs must be paid in advance. The Court may order a Defendant to reimburse the Plaintiff for Court costs.
9. This Court cannot award more than \$10,000 in a Small Claims action.
10. All parties and their representatives must complete and file an Appearance form with the Court.
11. Requests to continue the trial by either party must be received by the Court at least two (2) business days before the trial date. Continuances are generally not favored and are not granted by telephone. Requests to continue can be mailed or delivered to Bartholomew Superior Court 2 Small Claims, 234 Washington Street, Columbus, IN 47201. The Court's phone number is (812)379-1620.
12. Bring to trial all documents, photos, etc. that you wish to submit concerning this claim. Written lists of damages with written explanations are very helpful to the Court. The Court will not consider exhibits displayed solely on electronic devices. Printed documents and photos should be of good quality and organized. The Clerk will furnish subpoenas if requested.
13. The Court will conduct a contested trial on the first trial setting, so both parties should be prepared to proceed. Notify the Court at least two (2) business days in advance if the trial will take longer than thirty (30) minutes.
14. Be on time for trial. A claim may be dismissed or judgment may be entered against an absent party.
15. Parties may settle the case before trial, but they are not required to do so. If the case is settled before trial, Plaintiff shall either dismiss the case or file an Agreed Judgment with the Court. Both Plaintiff and Defendant must sign the Agreed Judgment. The Court has Agreed Judgment forms available upon request. Even if a Defendant agrees to a judgment, he/she may appear in Court to establish a method by which the judgment may be paid.
16. An appeal must be initiated within thirty (30) days of the entry of judgment. Appeals are complicated and an attorney should be consulted regarding an appeal.
17. A Small Claims Manual and all Small Claims forms are available at www.bartholomew.in.gov or the Small Claims Office. Small Claims rules can be found at www.in.gov/courts/rules/small_claims. You can find information about cases at www.public.courts.in.gov or www.mycase.in.gov.

STATE OF INDIANA

SS: IN THE BARTHOLOMEW SUPERIOR COURT NO 2

COUNTY OF BARTHOLOMEW

CASE NO. 03D02- _____

Plaintiff(s)

VS

Defendant(s)

VERIFICATION OF OWNERSHIP

The real estate commonly known as

Address: _____

which is the subject matter of this case is legally owned and titled in the name of

Name: _____

I (we) affirm, under penalties for perjury, that the foregoing representation is true.

Date: _____ Signature: _____

Print: _____

Date: _____ Signature: _____

Print: _____

Date: _____ Attorney Signature: _____

Certificate of Service

I hereby certify that a copy of this document was sent to the parties or their counsel by (US Mail, E-Service, Sheriff, other manner allowed by IN Trial Rules).

Date: _____ Name: _____

STATE OF INDIANA)
) S.S.
COUNTY OF BARTHOLOMEW)

IN THE BARTHOLOMEW SUPERIOR COURT 2
CASE NO. 03D02-

Plaintiff(s)

v.

Defendant(s)

**FULL-TIME EMPLOYEE OR TRUSTEE
BINDING DESIGNATION AND CERTIFICATE OF COMPLIANCE**

I hereby swear or affirm under penalties for perjury that the following information is true:

I certify by signing this document that I am authorized to act on behalf of the party to be named and defined below. This Binding Designation and Certificate of Compliance is made on behalf of a:
(Please place an "X" next to the appropriate entity below.)

_____ Corporation	_____ LLC
_____ Sole Proprietorship	_____ LLP
_____ Partnership	_____ Trust

which is referred to as (please state the name of the party in the space provided)

The above party is hereby designating (please state full-time employee's/trustee's name in the space provided)
_____ as the representative.

The above-named person is a (Please place an "X" next to the title of the designee):
_____ Full-time Employee or _____ Trustee.

The corporate entity, sole proprietorship, partnership, LLC, LLP, or trust will be bound by any and all agreements and acts relating to the small claims proceedings entered into by the designated employee or trustee and will be liable for any and all costs, including those assessed by reason of contempt, levied by a court against the designated employee or trustee.

By authorizing a designated full-time employee or trustee to appear under this Rule, the corporate entity, sole proprietorship, partnership, LLC, LLP, or trust waives any present or future claim in this or any other forum in excess of six thousand dollars (\$6,000.00).

I hereby certify that this action on behalf of the above-named party is made by either a duly adopted resolution in the case of a corporate entity, LLC, or LLP; or a document signed under oath by the sole proprietor or managing partner of a partnership or trustee.

I agree that the above-named party shall be bound by the designated employee's or trustee's acts and agreements relating to the small claims proceeding and shall be liable for assessments and costs levied by a court relating to the small claims proceeding and that the corporate entity, sole proprietorship, partnership, LLC, LLP, or trust waives any claim for damages in excess of six thousand dollars (\$6,000.00) associated with the facts and circumstances alleged in the notice of claim.

I agree that the above-named party represented by a designated employee or trustee who fails to comply with these rules or local rules of court may be ordered by the court to appear by counsel and subject to sanctions, including the assessment of costs or reasonable attorney's fees, the entry of a default judgment, and the dismissal of a claim with or without prejudice.

I understand that anyone who engages in conduct that is uncivil or disruptive to the proceeding may be found in contempt of court, which is punishable by a fine, incarceration, or both.

All of which is sworn or affirmed to be true _____(DATE)

Signature

Printed Name and Position Held

Affidavit of Full-Time Employee or Trustee

I hereby swear or affirm under penalties for perjury that I am either the designated full-time employee or trustee for the named party in this document and that I am not disbarred or suspended from the practice of law in Indiana or any other jurisdiction.

All of which is sworn or affirmed to be true _____(DATE)

Signature

Printed Name

STATE OF INDIANA

SS: IN THE BARTHOLOMEW SUPERIOR COURT NO 2

COUNTY OF BARTHOLOMEW

CASE NO: 03D02-_____

Plaintiff(s)

vs

Defendant(s)

APPEARANCE FOR SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, LLC, LLP, OR OTHER BUSINESS ORGANIZATION

This Appearance Form must be filed on behalf of every party in a civil case.

1. Organization or Business Name _____.

My name is _____ and I am the designated representative

{See, Small Claims rule 8 (c)(2) and (3)} for _____ and we are the:

Initiating (filing) _____ *If you are the Plaintiff, check Initiating*
Responding (answering or defending) _____ *If you are Defendant, check Responding*
Intervening _____

2. Contact information for receiving legal service of documents and case information is required by Court Rules: (NOTE: *If you are the Initiating party and this case, or a related case, involves a protection from abuse order, a workplace violence restraining order, or a no-contact order, you must provide an address for the purpose of legal service of documents but that address should not be one that exposes the whereabouts of a petitioner*)

THIS INFORMATION IS REQUIRED:

(IF AN EMAIL ADDRESS IS PROVIDED, THE ONLY NOTICE OF FUTURE COUT HEARINGS WILL BE THROUGH EMAIL NOTIFICATION ONLY. IF YOU DO NOT USE YOU EMAIL ADDRESS ON A REGULAR BASIS, PLEASE DO NOT LIST IT.)

Address: _____

Email Address: _____

Phone: _____

OR, if in the related case, you have used the Attorney General Confidential address, you may check _____ Attorney General confidential address (contact the Attorney General 1-800-321-1907 or email address is confidential@atg.state.in.us)

3. This is a _____ case type as defined in administrative Rule 8(B)(3).
(Clerk will supply this information).

4. I will accept service by FAX at the following number _____

Signature - Self-Represented Party