

Plaintiff:

Name _____
Address _____
City/State _____ Zip _____
Are you Incorporated: _____
Yes No

SMALL CLAIMS

HENDRICKS SUPERIOR COURT NO. _____
MAIL CLAIM TO:
CLERKS OFFICE
51 WEST MAIN STREET, SUITE 104
DANVILLE, IN 46122
Clerk-Telephone No. (317) 745-9231

Against

Case No. 32D05-_____-SC-_____

Defendant:

Name _____
Address _____
City/State _____ Zip _____

Service By: Sheriff of _____ County

**ALIAS
EVICTION
NOTICE OF CLAIM**

TO THE DEFENDANT:

You have been sued by the Plaintiff whose name appears above. You must appear in the Hendricks Superior Court No. _____ in person or with your lawyer on _____, 20____, at _____ o'clock ____m. for a Possessory Hearing. The Plaintiff may be given an Order entitling them to possession of the property if you fail to appear at that time.
The Plaintiff's Claim is for: _____ Possession of Property _____ Rent

A brief Statement of the nature of the Plaintiff's claim against you is as follows: Plaintiff and Defendant have a lease /rental agreement for the property located at: _____

Defendant(s) are behind in rent in the following amount: \$_____ for the following months:_____. Plaintiff wants possession of the property and a hearing on damages including back due rent, late fees, and possible damage to the property.

The Plaintiff demands judgment against the Defendant for \$_____, and the court costs (filing fee).

Trial on the Merits (damages) is set on _____ day of _____, 20__ at _____ o'clock ____m. If you fail to appear for Trial on the Merits, a default judgment may be given against you.

IF FILED BY A LAWYER:

Name: _____
Firm: _____
Address: _____
Phone: (_____) _____

Signature of Plaintiff (or lawyer)

IMPORTANT INFORMATION CONCERNING THIS CLAIM

- 1) Either the Plaintiff or the Defendant may represent themselves individually or be represented by a lawyer. The Plaintiff should and the Defendant must bring to the trial all documents in their possession or under their control concerning this claim., plus copies for opposing party.
- 2) If the Defendant does not wish to dispute the Plaintiff's claim, he may still appear for the purpose of allowing the Court to establish the method by which the judgment shall be paid.
- 3) Any request for a change of the trial date by either party should be directed, in writing, to the Court listed above at the address listed.
- 4) A default judgment may be entered against the Defendant if he fails to appear at the trial, and if the Plaintiff fails to appear, the case may be dismissed subject to being once re-filed.
- 5) The Defendant must provide the Court and the Plaintiff with a written statement of any Counter-Claim arising out of the Plaintiff's claim at least seven (7) calendar days before the trial.
- 6) If a settlement of this claim is made out of court, it shall be in writing and signed by the Plaintiff and Defendant. Forms for settlement may be obtained from the Court. The settlement shall be filed with the Clerk, and, upon approval of the Court, it shall be entered in the Small Claims Judgment Docket and shall have the same effect as a judgment of the Court.

7) The filing of a Small Claim is deemed a waiver of trial by jury. The Defendant may, not later than ten (10) days following service of the Notice of Claim, demand a jury trial by filing an affidavit stating that there are questions of fact requiring a jury trial, specifying those questions of fact, and stating that the demand is made in good faith. Upon Defendant depositing the statutory transfer fee with the County Clerk, the case will be transferred to the Plenary Docket. It may then be necessary for both parties to obtain lawyers.

CERTIFICATE OF MAILING

I certify that on the _____ day of _____, 20____, I mailed a copy of this Notice of Claim to each of the Defendant(s) by (registered or certified) mail requesting a return receipt signed by the addressee only, addressed to each of said Defendant(s), at the address furnished by the Plaintiff.

Dated this _____ day of _____, 20____.

CLERK, HENDRICKS COUNTY

RETURN OF SERVICE OF NOTICE OF CLAIM BY MAIL

I hereby certify that service of Notice of Claim with return receipt was mailed on the _____ day of _____, 20____, and that a copy of the return receipt was received by me on the _____ day of _____, 20____, which copy is attached herewith.

Dated this _____ day of _____, 20____.

CLERK, HENDRICKS COUNTY

CERTIFICATE OF CLERK OF NOTICE OF CLAIM NOT ACCEPTED BY MAIL

I hereby certify that on the _____ day of _____, 20____, I mailed a copy of this Notice of Claim to each of the Defendant(s) by (registered or certified) mail, and the same was returned without acceptance this _____ day of _____, 20____, and I did deliver said Notice of Claim to the Sheriff of _____ County, Indiana.

Dated this _____ day of _____, 20____.

CLERK, HENDRICKS COUNTY

SHERIFF'S RETURN ON NOTICE OF CLAIM

This Notice of Claim came to hand on the _____ day of _____, 20____, and I served the same on the _____ day of _____, 20____.

By delivering a copy of Notice of Claim personally to: _____,

By leaving a copy of the Notice of Claim at _____ the dwelling or usual place of abode of Defendant: _____. And by sending a copy by First Class Mail to Defendant's address.

By serving Defendant's agent as provided by rule, statute, or valid agreement, to-wit: _____.

Defendant cannot be found in my bailiwick and Notice of Claim was not served. And now I return this writ this _____ day of _____, 20____.

Sheriff, _____ County, Indiana