

The decision of the court may be appealed to the Indiana Court of Appeals.

You will be unable to appeal unless you take action within thirty (30) days after the judgment is entered by the Clerk by filing the appropriate motion. Since the rules for an appeal must be strictly followed, you may wish to contact an attorney.

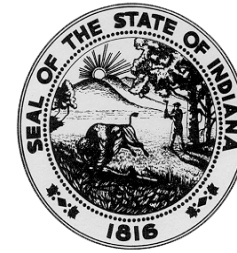
**If you need legal advice, you must consult an attorney. The Judge, the Court Staff and the Clerk are not allowed to give legal advice.**

To present or defend a claim for more than \$1500 a corporation must be represented by an attorney. If the claim is for less than \$1500, a Corporation, whether plaintiff or defendant, must file a corporate resolution designating a full time employee to represent the corporation in court. A corporation includes an LLC. If the claim is \$1500 or less, and you are a partnership or sole proprietorship, you may delegate a full-time employee to appear for you by filing a written designation.

### SUMMARY

- Provide your name, address, daytime and evening telephone numbers.
- Provide the defendant's name, address and telephone number, and if possible, the defendant's date of birth, and social security number.
- Attach a copy of the written contract or statement of account to the Notice of Claim form.
- State clearly the nature of your claim and the amount you are seeking.
- Name the Resident Agent if you are suing a corporation.
- Provide a corporate resolution naming an agent to represent you if you are a corporation.
- Call the court a couple of days before the trial to make sure the defendant has been served the Notice of Claim. **If the defendant has not been served, the trial will have to be re-set.**
- Arrive early and tell the bailiff you are present. Have your exhibits marked by the Court Reporter.
- Do not be late. Call the court office if you're running late, and state your reason for why you're late.
- Do not use obscene or foul language in the courtroom.
- Do not drink or smell of alcoholic beverage when you come to court.
- Do not smoke in the courthouse or courtroom.
- Do not chew gum or tobacco in the courtroom.
- Do not be disrespectful to the other party or the Judge in the courtroom.

# SMALL CLAIMS INSTRUCTIONS



Robert W. Freese, Judge  
Hendricks Superior Court No. 1  
317-745-9209

David H. Coleman, Judge  
Hendricks Superior Court No. 2  
317-745-9244

Karen M. Love, Judge  
Hendricks Superior Court No. 3  
317-745-9393

Mark A. Smith, Judge  
Hendricks Superior Court No. 4  
317-718-6162

Stephenie LeMay-Luken, Judge  
Hendricks Superior Court No. 5  
317-718-6169

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Claims are to be filed with the:  
Hendricks County Clerk  
51 W. Main Street  
Suite 106  
Danville, IN 46122  
317-745-9231

This office is located on the 2nd floor of the Courthouse

## HENDRICKS SUPERIOR COURT NO. 1, 2, 3, 4, and 5 SMALL CLAIMS DIVISION

### INSTRUCTIONS TO THE PLAINTIFF:

When filing a small claim in the Small Claims Division of the Hendricks Superior Court No. 1, 2, 3, 4, or 5, remember: **BY FILING THIS CLAIM IN THE SMALL CLAIMS DOCKET, YOU GIVE UP YOUR RIGHT TO A JURY TRIAL.**

Although it is not required that you have an attorney with you when filing your claim or at trial, you may hire an attorney to represent you if you wish. However, unless it is included in your contract with the defendant, attorney fees are not normally awarded in Small Claims.

You must file a 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. Small Claims forms are available in the Court Self-Help Center on the first floor of the Courthouse.

For the cost of filing your claim, contact the County Clerk. The defendant may be ordered to repay this money to you if you win, but not if you lose.

The claim must be filed with the Clerk at the Hendricks County Courthouse located on the 2<sup>nd</sup> floor, Danville, Indiana, 46122. The Clerk's office is open from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays. Telephone number: 317-745-9231.

**YOU MUST PROVIDE TO THE CLERK the correct name, address, and telephone number of the defendant(s).** Be sure you are suing the person(s) responsible. If you are suing a corporation, serve the Resident Agent of the corporation. Get the name of the Resident Agent by calling the Indiana Secretary of State, Corporations Division, at (317)232-6576.

You cannot request an award of more than \$6,000.00. If you are entitled to more than \$6,000.00, by filing your claim in the Small Claims Division of the Hendricks Superior Court No. 1, 2, 3, 4 or 5, you give up your right to any amount over \$6,000.00.

If you are suing on an account or contract, you must provide a copy of the account or contract for the clerk and a copy for each defendant. Keep the original to present as evidence at the trial. If you do not have a copy of the contract, it will not prevent you from filing a claim.

Write your claim clearly and briefly. You will have an opportunity to explain your claim more completely at the trial.

Claim only those precise money damages that you believe you can prove in court. The Judge will not speculate as to the amount of your damages. You must prove the amount.

If, after you have filed your claim but before trial, you and the defendant agree to settle the claim, the settlement should be in writing and signed by both you and the defendant. The settlement agreement must be filed with the Clerk and approved by the Judge. Otherwise, the Judge will be unable to enforce the settlement for you. Settlement forms are available in the Court Self-Help Center on the first floor of the Courthouse.

If the defendant requests a jury trial, all formal rules will apply at the trial. It would then be advisable for you to contact an attorney to represent you and have the attorney enter his or her appearance with the Clerk.

The defendant may believe he has a claim against you and may file a counterclaim with the court. Both his claim and yours will be decided at the same trial in Small Claims Court only if the amount of the counterclaim does not exceed \$6,000.00. You will be notified of the counterclaim at least seven (7) days before the trial. If you do not receive this notice within seven (7) days before the trial, you may request a continuance.

You will be notified of the date, time and place for trial. **BE SURE TO ARRIVE ON TIME. IF YOU ARE NOT THERE WHEN YOUR CASE IS CALLED IT MAY BE DISMISSED.**

If you are unable to attend the trial on the date set, you may file a written request for a continuance. Except in unusual circumstances, no party shall be allowed more than one (1) continuance. Continuances filed less than seven (7) days before trial are rarely granted. All continuances must have specific approval of the Judge. A written request for a continuance should be directed to the Hendricks County Clerk's Office, Danville, Indiana, 46122. Be sure to provide the court with a daytime telephone number.

Be prepared to prove your case with any evidence you have. Bring all your evidence and witnesses with you when you come to Court for the trial. Subpoenas can be issued by the County Clerk for reluctant witnesses or for documents concerning the claim not in your possession or control.

At the trial, simply tell your side of the story. There are no technical or formal rules to follow. Although proceedings in Small Claims are informal, you must follow rules of common courtesy and respect. You may not smoke, drink alcoholic beverages or use foul language in the Courtroom. The Judge may ask questions of you or the defendant.

You will be notified of the Judge's ruling in your case either immediately after your trial or by mail.