

STATE OF INDIANA) HENDRICKS SUPERIOR COURT – SMALL CLAIMS
)
COUNTY OF HENDRICKS) CASE NUMBER _____

Notice of Claim

_____ Name		_____ Name(s)
_____ Street Address	against	_____ Street Address
_____ City, State, Zip		_____ City, State, Zip
_____ E-mail		_____ E-mail (if known)
_____ Phone #	Plaintiff	_____ Phone # (if known) Defendant

Plaintiff requests service upon Defendant by: Certified Mail Sheriff (_____ County)

To Defendant(s): You have been sued by the Plaintiff whose name appears above. The bench trial for this lawsuit is on _____ in **Hearing Room B**, Third Floor, Hendricks County Courthouse, 51 West Main Street, Danville, Indiana 46122. You shall appear and answer to the Claim. The Court's phone # is 317-745-9385. A brief statement of the nature of the claim: _____

Plaintiff seeks judgment in the amount of \$ _____, plus interest from _____, at the rate of _____ % and court costs (filing fees) of \$ _____, against Defendant(s).

Plaintiff

Plaintiff (Please initial):

- _____ 1. By supplying the e-mail address above, you consent to the Court and Clerk transmitting all rulings, orders, and judgments to you by e-mail. You may file separately with the Clerk a petition for an order granting an exemption to the e-mail address and telephone number requirements of Small Claims Rule 2.
- _____ 2. If the claim arises out of a written contract, and you are in possession of a copy, you shall attach a copy of the written contract to the notice of claim.
- _____ 3. If the claim is on an account, you shall attach an Affidavit of Debt. This form is available in the Clerk's Office and on the courts' website.
- _____ 4. By filing your claim on the Small Claims Docket you waive your right to trial by jury and right to judgment in excess of \$10,000, excluding court costs.

TURN OVER FOR ADDITIONAL RULES AND INSTRUCTIONS

Plaintiff and Defendant(s) (Plaintiff, please initial):

- _____ 1. You may represent yourself in this Court. All corporate entities may appear by a designated full-time employee if the claim is for less than \$1,500 and a Resolution form has been filed. All corporate entities MUST be represented by an attorney on all claims exceeding \$1,500. Any party may appear by an attorney.
- _____ 2. Any party represented by a designated employee 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. 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.
- _____ 3. Your bench trial is allotted 5 minutes. Upon evidence of service of the notice of claim upon Defendant, either party may request additional time by filing a written request with the court at least 2 business days in advance of trial.
- _____ 4. You may be granted a continuance for good cause shown. Except in unusual circumstances neither party shall be allowed more than 1 continuance, and all continuances must have the specific approval of the Court.
- _____ 5. You should bring to the trial all documents in your possession concerning the claim. If you intend to introduce the documents into evidence, you should bring extra copies.
- _____ 6. Clerk and court employees may answer questions about scheduling and basic procedure but are not allowed to give parties legal advice.
- _____ 7. You may check the status of your case, including your hearing dates, at <https://mycase.in.gov>

Defendant(s):

- 1. If you fail to appear in Court on the date and time set for bench trial, Plaintiff may receive a judgment against you in the amounts requested on the Notice of Claim. This is a default judgment.
- 2. If you do not wish to dispute the claim, you may nonetheless appear for purpose of allowing the Court to establish the method by which the judgment shall be paid.
- 3. If you have a counterclaim arising from the same transaction or occurrence which is the subject of Plaintiff’s claim, you may file a counterclaim within such a time that will allow the Court to serve a copy of the counterclaim on Plaintiff at least 7 calendar days prior to trial. By pursuing a counterclaim, you waive any amount in excess of \$10,000 and may not bring a separate action for more.
- 4. You have 10 days from receipt of this Notice of Claim to request a jury trial. A request for jury trial must be in writing and filed with the Clerk along with payment of the fee (\$) required to transfer the case to the plenary (PL) docket. Your failure to do so waives your right to trial by jury.

Sheriff’s Return

_____ **County Sheriff**

- Personal service _____
- Left copy at location and mailed copy to location
- Left copy with _____ and mailed copy to location
- Other _____
- Vacant
- Bad address, reason: _____
- Never lived at this address per current occupant
- No longer lives at this address per current occupant
- Possible correct address is _____

Date: _____

Deputy

STATE OF INDIANA)
)
COUNTY OF HENDRICKS)

HENDRICKS SUPERIOR COURT – SMALL CLAIMS
CASE NUMBER _____

Eviction Notice of Claim

_____		_____
Plaintiff 1		Defendant 1
_____	against	_____
Plaintiff 2		Defendant 2
_____		_____
Street Address		Street Address
_____		_____
City, State, Zip		City, State, Zip
_____		_____
E-mail		E-mail (if known)
_____		_____
Phone #		Phone # (if known)

Plaintiff requests service upon Defendant by: Certified Mail Hendricks County Sheriff

Plaintiff is the owner of real property located at: _____ now occupied by Defendant.

- A written lease or rental agreement is attached.
- No written lease or rental agreement exists.
- This complaint does not involve a land contract.
- This complaint does not involve a foreclosure.

To Defendant(s): You have been sued by Plaintiff, your Landlord or Landlord’s property manager, whose name appears above. Included in the complaint, Plaintiff requests an order for possession of the real estate located at the address listed above. You must appear for a Hearing concerning Plaintiff’s request for an order of possession in **Hearing Room B**, Third Floor, Hendricks County Courthouse, 51 W. Main St., Danville, IN 46122 on _____. Upon proof of service, the Court will proceed with this hearing in your absence. The Small Claims/Eviction Court’s phone # is 317-745-9385.

The bench trial concerning damages, which may include unpaid rent and application of any damage deposit, is set on _____ in **Hearing Room B**. Plaintiff seeks a monetary judgment against Defendant(s) plus court costs (filing fees).

Plaintiff

Plaintiff (Please initial):

- _____ 1. By supplying the e-mail address above, you consent to the Court and Clerk transmitting all rulings, orders, and judgments to you by e-mail. You may file separately with the Clerk a petition for an order granting an exemption to the e-mail address and telephone number requirements of Small Claims Rule 2.
- _____ 2. If the claim arises out of a written contract, and you are in possession of a copy, you **shall** attach a copy of the written contract to the notice of claim.
- _____ 3. By filing your claim on the Small Claims Docket, you waive your right to trial by jury and are limited to a judgment of \$10,000, excluding court costs.

TURN OVER FOR ADDITIONAL RULES AND INSTRUCTIONS

Plaintiff and Defendant(s) (Plaintiff, please initial):

- _____ 1. You may represent yourself in this Court. All corporate entities, including LLCs, may appear by a designated full-time employee if the claim is for less than \$1,500 and a Resolution form has been filed. All corporate entities MUST be represented by an attorney on all claims exceeding \$1,500. Any party may appear by an attorney.
- _____ 2. Any party represented by a designated employee 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. 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.
- _____ 3. Your bench trial is allotted 5 minutes. Upon evidence of service of the notice of claim upon Defendant, either party may request additional time by filing a written request with the court at least 2 business days in advance of trial.
- _____ 4. You should bring to the trial (damages hearing) all documents in your possession concerning the claim. If you intend to introduce the documents into evidence, you should bring extra copies.
- _____ 5. Clerk and court employees may answer questions about scheduling and basic procedure but are not allowed to give parties legal advice. The Small Claims/Eviction Court's phone # is 317-745-9385.
- _____ 6. You may check the status of your case, including your hearing dates, at <https://mycase.in.gov>

Defendant(s):

- 1. If you fail to appear in Court on the date and time set for the bench trial, Plaintiff can receive a judgment against you. This is a default judgment.
- 2. If you do not wish to dispute the claim, you may nonetheless appear for purpose of determining the amount of the judgment and allowing the Court to establish the method by which the judgment shall be paid.
- 3. If you have a counterclaim arising from the same transaction or occurrence which is the subject of Plaintiff's claim, you may file a Counterclaim within such a time that will allow the Court to serve a copy of the counterclaim on Plaintiff at least 7 calendar days prior to trial. By pursuing a counterclaim, you waive any amount in excess of \$10,000 and may not bring a separate action for more.
- 4. You have 10 days from receipt of this Notice of Claim to request a jury trial. A request for jury trial must be in writing and filed with the Clerk along with payment of the fee (\$) required to transfer the case to the plenary (PL) docket. Your failure to do so waives your right to trial by jury.

Sheriff's Return
Hendricks County Sheriff

- Personal service _____
- Left copy at location and mailed copy to location
- Left copy with _____ and mailed copy to location
- Other _____
- Vacant
- Bad address, reason: _____
- Never lived at this address per current occupant
- No longer lives at this address per current occupant
- Possible correct address is _____

Date: _____

Deputy

Plaintiff

v.

Defendant(s)

Affidavit for Immediate Possession of Real Property

Plaintiff, being duly sworn upon oath and subject to the penalties for perjury, states:

1. He/she is Plaintiff or an agent of Plaintiff in this case.
2. _____ is the owner of real property located at _____, Hendricks County, Indiana.
3. Plaintiff is entitled to immediate possession of the real property.
4. The estimated rental value of the real property is \$_____/month.
5. Defendant(s) unlawfully retains possession of the real property, because **(check one or more)**:
 - Plaintiff and Defendant(s) have a written lease which requires rent to be paid in advance each month, and Defendant(s) refused or neglected to pay the rent in advance.
 - There is a month-to-month tenancy which Plaintiff wishes to terminate, and Plaintiff has given 30 days' notice to Defendant(s).
 - Defendant(s) have committed waste to the real property.
 - Other: _____.
6. The unpaid rent due, and damages to the property that can be determined, as of this date, do not exceed \$10,000.

Plaintiff requests a hearing upon the question of immediate possession of the real property; that Plaintiff be granted immediate possession of that same; and that Plaintiff thereafter have and hold possession of said real property and that such further proceedings be had with reference to the possession of said real property as the law provides.

Date: ____/____/____

Signature of Plaintiff/Agent of Plaintiff

AFFIDAVIT OF DEBT (SMALL CLAIM)

Comes now affiant, and states:

I _____ am Plaintiff
(Name of Affiant) OR

a designated full-time employee of _____ (Plaintiff).
(Name of Plaintiff)

OR
 trustee for _____ (Plaintiff).
(Name of Plaintiff)

I am of adult age and am fully authorized by Plaintiff to make the following representations. I am familiar with the record keeping 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, and evidence of the debt, as required in Rules 2(B)(4)(a) and (b) is attached as one or more Exhibits to this Affidavit.

OR

has obtained this debt from _____ and the original owner of this debt was _____. Evidence of the debt, as required in Rule 2(B)(4)(c) is attached as one or more Exhibits to this Affidavit.

_____, 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.

If the defendant is an individual, plaintiff states and declares that:

Defendant is not on active military service. Plaintiff's statement that Defendant is not on active military service is based upon the following facts:

_____.

OR

Plaintiff is unable to determine whether or not Defendant is not on active military service military service.

("Active military service" includes fulltime duty in the military (including the National Guard and reserves) and, for members of the National Guard, service under a call to active service authorized by the President or Secretary of Defense. For further information, see the definition of "military service" in the Servicemembers Civil Relief Act, as amended, 50 U.S.C.A. Appx. § 521.)

I swear or affirm under the penalties of perjury that the foregoing representations are true.

Dated: _____ Signature of Affiant: _____

Certificate of Compliance for Corporate Entities, LLCs, LLPs, and Trusts

Name of Corporate Entity, LLC, LLP (collectively "Corporate Entity"), or Trust

WHEREAS, this Corporate Entity or Trust is duly organized and existing under the laws of the State of Indiana; the Corporate Entity or Trust anticipates or currently has matters subject to litigation in the small claims division of the Hendricks Superior Courts; and Indiana Small Claims Rule 8(C) permits this Corporate Entity or Trust to appear without legal counsel under certain conditions.

The Corporate Entity or Trust hereby designates:

_____, **a full-time employee or trustee**, to appear on its behalf in the presentation of claims or defenses arising in the ordinary course of business.

The Corporate Entity or Trust certifies that:

1. it will be bound by any and all agreements relating to the small claim, eviction, or ordinance violation proceedings entered into by the designated full-time employee or trustee and will be liable for any and all costs, including those assessed by reason of contempt, levied by the Court against the same; and
2. by authorizing a designated full-time employee or trustee to appear and act on its behalf, the Corporate Entity or Trust waives any present or further claim for damages in this or any forum associated with the facts and circumstances alleged in the notice of claim in excess of \$6,000.

This designation shall remain in effect until revoked by the Corporate Entity or Trust.

LLCs and LLPs

Corporate Entities and Trusts

Date: _____

Date: _____

Signature of partner, member, or
business owner

Signature of president, secretary, or trustee

Printed name

Printed name

Certificate of Compliance for Sole Proprietorship or Partnership

Name of sole proprietorship or partnership

The undersigned sole proprietor or managing partner of a partnership hereby designates:

_____, **a full-time employee**, to appear on its behalf in the presentation of claims or defenses arising in the ordinary course of business.

I hereby certify that:

1. the sole proprietorship or partnership will be bound by any and all agreements relating to the small claim, eviction, or ordinance violation proceedings entered into by the designated full-time employee and will be liable for any and all costs, including those assessed by reason of contempt, levied by the Court against the same; and
2. by authorizing a designated full-time employee to appear and act on its behalf, the sole proprietorship or partnership waives any present or further claim for damages in this or any forum associated with the facts and circumstances alleged in the notice of claim in excess of \$6,000.

This designation shall remain in effect until revoked by the sole proprietor or managing partner.

Date: _____

Signature of sole proprietor or managing partner

Printed name

STATE OF INDIANA

IN THE HENDRICKS CIRCUIT/SUPERIOR COURTS

COUNTY OF HENDRICKS

CASE NO: 32_____

Plaintiff

v.

Name(s)

Street Address

City, State, Zip

E-mail

Phone # **Defendant(s)**

Satisfaction of Judgment

Plaintiff gives notice to this Court that the Judgment previously entered by this Court in favor of Plaintiff and against Defendant(s) has been paid in full or compromised to Plaintiff's satisfaction.

Plaintiff requests termination of any garnishment order.

Date: ____/____/____

Signature of Plaintiff

This Court now approves this Satisfaction of Judgment and hereby ORDERS the Clerk to show the same on the Judgment Docket, and to show this case disposed.

Garnishment order previously entered is hereby terminated.

Date: _____

Judge

COUNTY OF HENDRICKS

CASE NO: 32 _____

Plaintiff

v.

Defendant(s)

Judgment Order

Plaintiff

- appears in person
- appears by counsel _____
- appears by agent _____
- fails to appear

Defendant

- appears in person
- appears by counsel _____
- appears by agent _____
- fails to appear
 - personal service
 - certified mail
 - regular, U.S. mail
 - service not perfected

It is ORDERED:

Judgment is entered after trial Default judgment is entered
 in favor of Plaintiff and against Defendant(s) in the amount of \$_____, and court costs of
 \$_____, all to bear interest at the rate of 8% per annum from the date of this Order.

Judgment is entered after trial in favor of Defendant(s).

On Plaintiff's oral motion, this Court ORDERS this case dismissed with prejudice without prejudice.

Plaintiff, having failed to appear at the time and place specified in the Notice of Claim, or having failed to file a continuance, this Court ORDERS this case dismissed without prejudice.

Other _____.

Date: _____

Judge

Distribution To:
All parties of record

STATE OF INDIANA

IN THE HENDRICKS CIRCUIT/SUPERIOR COURTS

COUNTY OF HENDRICKS

CASE NO: 32_____

Plaintiff

v.

Defendant

Motion to Dismiss

Plaintiff respectfully requests dismissal of this case for the following reasons (check 1):

- My claim against Defendant has been paid or compromised to my satisfaction before trial. This case should be dismissed with prejudice.
- I do not wish to pursue my claim against Defendant at this time, but I reserve the right to refile this case provided the statute of limitations has not expired. The above-captioned case should be dismissed without prejudice.

Plaintiff: _____

Date: ____/____/____

Certificate of Service

I certify that on ____/____/____ service was made of a copy of the foregoing Motion to Dismiss by U.S. Mail on Defendant and/or Defendant's counsel of record.

Plaintiff: _____

STATE OF INDIANA

IN THE HENDRICKS CIRCUIT/SUPERIOR COURTS

COUNTY OF HENDRICKS

CASE NO: 32_____

Plaintiff

v.

Defendant

Order on Motion to Dismiss

This Court has reviewed Plaintiff's Motion to Dismiss and now GRANTS the motion and orders this case dismissed:

- with prejudice.
- without prejudice.

Date: _____

Judge

Distribution To:
All parties of record