

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

IN THE PERRY TOWNSHIP OF MARION COUNTY SMALL
CLAIMS COURT
4925 S. SHELBY STREET, SUITE 100
INDIANAPOLIS, IN 46227
Phone No. 317-786-9242

CAUSE NUMBER 49K04 _____ -EV- _____

Plaintiff's Full Name

Plaintiff's Street Address

Plaintiff's City, State and Zip

Plaintiff's Phone Number

E-Mail Address

Notice of Claim for Possession of Real Estate and Summons

Designation of Service

____ Personal Service

____ Certified Mail

____ Other

VS.

Defendant's Full Name

Defendant's Street Address

Defendant's City, State and Zip

Defendant's Phone Number

Defendant's E-mail Address

Defendant's Full Name

Defendant's Street Address

Defendant's City, State and Zip

Defendant's Phone Number

Defendant's E-mail Address

**You should appear in court on _____ at _____ A.M. to answer the Plaintiff's claim in a trial or hearing.
A damage hearing is schedule on _____ at _____ A.M.**

On ___/___/___ the Plaintiff rented to the Defendant the premises located at (print address) _____
_____ in Marion County, Indiana at a rent of \$_____ per week/month (circle) and that
on ___/___/___ this tenancy expired because: _____. Ever since
___/___/___, the Plaintiff has been entitled to the Possession of this premises. That the Defendant unlawfully hold over
and retains Possession of these premises from the Plaintiff and owes damages in the amount of \$_____.

The Plaintiff states the following are true.

1. The Plaintiff is the owner of the Real Estate.
2. An **Affidavit of Debt** may be attached with the current information. If the Plaintiff believes the Defendant owes more than the amount listed when the final hearing is held, the Plaintiff is to send a detailed summary with the revised amount to the Defendant with-in 45 days from the date of Possession of the Real Estate or at least five (5) days before the final hearing, by one of the following options: personally give notice to the Defendant; mail notice 1st Class Mail (not Certified) Defendant's last known address; e-mail notice to the Defendant.
3. If there is a **written contract or lease** between the Plaintiff and Defendant ("the Parties"), a Copy is attached. If a Social Security Number is listed in the document, the Plaintiff has redacted at least the 1st five digits.

WHEREFORE, Plaintiff demands judgment for the Possession of the premises and for said damages, court cost(s) and other proper relief. (Attach document(s) that support the above statements.)

I affirm, under the penalties for perjury, that the foregoing statements are true. [See Ind. Code 32-30-3-1(b).]

Date

Signature of Attorney or Pro Se Party

The following information is provided by the Court.

Two (2) hearings may be scheduled. The dates and times are listed above and below.

The 1st hearing is for the Judge to decide, if a pre-judgment order of Possession should be issued. [See I.C. 32-30-3-5 and I.C. 32-30-3-2(b)(3).] If an order is entered, the Defendant would be ordered to vacate the Real Estate and the Plaintiff would be given Possession of the Real Estate on a date set by the Court. The 1st hearing cannot be sooner than 10 days after the Defendant is served with a copy of the Notice of Claim for Possession of Real Estate. [See I.C. 32-30-3-2 and LR49-SC-03-203.] The Defendant may file supporting affidavits with the Court; and may appear and present supporting testimony; and may file a written undertaking in an amount set by the Court at the 1st hearing to state the pre-judgment delivery of the Real Estate. The Court may issue a pre-judgment order of Possession in favor of the Plaintiff, if the Defendant fails to appear at the first hearing.

2nd hearing is for the Plaintiff and the Defendant to present evidence proving whether the Defendant owes money to the Plaintiff. A final judgment may be entered based upon the evidence.

A Plaintiff or Defendant ("a party") may appear by an attorney in this case for claims up to \$10,000.00 plus court cost. If a party is a person, he or she may represent himself or herself without an attorney. If a party is a sole proprietorship or a general partnership, the party may appear by the sole proprietor or by a general partner. If a party is a corporation, a limited liability company (LLC), a limited liability partnership (LLP), or a trust the party may appear by a full-time employee for claims up to \$10,000.00 as the party's Ind. Small Claims Rule 8(C) representative. The designated employee or trustee must file in each case the certificate of compliance and affidavit required by Ind. Small Claims Rule 8(c). The court may sanction a designated employee or trustee and the entity they represent for failure to comply with these rules or local rules of the court. U.S. Bureau of Labor Statistics says a person is a full-time employee, if the employee works at least 35 hours per week. The salary or wages would be reported on a W-2.

A party should bring to the trial all documents in the party's Possession or control relating to this case.

If the Defendant agrees that the Plaintiff is entitled to the relief requested in the Notice of Claim for Possession of Real Estate, the Defendant may appear at the 1st hearing to help decide when the Defendant will vacate the Real Estate and the Defendant may appear at the 2nd hearing to help decide how much the Defendant owes and how to pay the judgment.

If a party is unable to appear at the 1st or 2nd hearing, the party may file a written motion for continuance with the Clerk of the Perry Township Small Claims Court, at the address on the 1st page, explaining why the party is unable to attend the hearing. A motion to continue a hearing should be filed at least 48 hours before the hearing. Either party may be granted a continuance for good cause shown. If the Defendant does not appear at the 1st or 2nd hearing, a default judgment may be entered against the Defendant. (LR49-SC09-301)

The Plaintiff waived the Plaintiff's right to a jury trial when the case is filed. The Defendant may request a jury trial by submitting a written request to the Court within 10 days after receiving the Notice of Claim for Possession of Real Estate and paying the additional amount required by statute to transfer this case to the Marion County Circuit or Superior Court's plenary docket, within ten days after filing the jury trial request. If the written request is not filed on time and if the additional court cost is not paid on time or waived, the Defendant's right to jury trial is waived. (LR49-TP38-303)

If the Defendant has a claim against the Plaintiff, the Defendant may file a Counter-Claim under this cause number. If the Plaintiff does not receive the Defendant's Counter-Claim at least seven (7) days prior to the trial, the Plaintiff may request a continuance of the trial date.

You may learn more about the Small Claims Rule and read the Indiana Small Claims Manual online. The State website is <http://www.in.gov/judiciary/>. Type "Indiana Small Claims Manual" in the search block and you may download the Manual. You may also pick up a copy from the Clerk.

SUMMONS

You should appear in court on _____ at _____ A.M. to answer the Plaintiff's claim in a trial or hearing.
A damage hearing is schedule on _____ at _____ A.M.

RETURN OF SERVICE OF NOTICE OF CLAIM FOR POSSESSION OF REAL ESTATE:

I certify that on _____:

_____ I served this Notice of Claim by delivering a copy to the Defendant.

_____ I served this Notice of Claim by leaving a copy:

_____ at the dwelling or usual place of abode of the Defendant; OR

_____ with a person of suitable age and discretion residing therein, namely _____.

AND

_____ by mailing a copy of this Notice of Claim to the Defendant, by First Class Mail, to the address listed on the Notice of Claim (date copy mailed if different from below: _____, 20__).

_____ Service remarks concerning dwelling or abode: _____. I was unable to serve this Notice of Claim because _____.

Date served _____

Constable: _____