

SMALL CLAIMS COMPLAINT

NAME OF COUNTY County Small Claims Division

COURT ADDRESS

Clerk's telephone number: COURT PHONE NUMBER

Case Number: LEAVE BLANK

Plaintiff requests service by: Sheriff of _____ County
 Certified mail

Plaintiff 1 <small>YOUR NAME AND CONTACT INFORMATION</small>	Defendant 1 <small>RENTER'S NAME AND CONTACT INFORMATION</small>
Plaintiff 2	Address
Address	Address
Address	City
City	State Zip
State Zip	Telephone
Telephone	Email
Email	

If Plaintiff is represented by an attorney:

Attorney	Defendant 2
Attorney number	Address <small>IF MORE THAN ONE RENTER, OTHER RENTER'S</small>
Address <small>IF APPLICABLE, ATTORNEY NAME AND CONTACT INFORMATION</small>	Address <small>NAME AND CONTACT INFORMATION</small>
Address <small>INFORMATION</small>	City
City	State Zip
State Zip	Telephone
Telephone	Email
Email	

The Plaintiff(s) asks the court to enter a judgment against the Defendant(s) for \$ AMOUNT plus court costs and to issue an order for eviction because Defendant rented the property located at: PROPERTY ADDRESS

(if there is a written rental agreement/lease it is attached) and

rent is past due in the amount of \$ AMOUNT PAST DUE ; and/or

the rental agreement/lease was violated as follows

IF RENTAL AGREEMENT WAS VIOLATED, EXPLAIN HOW

Date: DATE SIGN HERE

Plaintiff or Plaintiff's attorney signature

CLERK'S NOTICE OF CLAIM FOR POSSESSION, RENT DUE AND DAMAGES

You (the Defendant) have been sued by the Plaintiff. You must go to a court hearing on the following days and times:

1. You must appear for an immediate possession (eviction) hearing on:

Date: _____ Time: _____

Location: _____

2. You must appear for a trial on damages and money owed on:

Date: _____ Time: _____

Location: _____

You have a right to a jury trial. To demand a jury trial, a person must file an affidavit that identifies a fact that is disputed (a fact that the Petitioner says is true and the Defendant says is not true). The affidavit must follow Indiana Code 33-29-2-7 and say that the Defendant is acting in good faith and it must be filed within ten (10) days of receiving this notice. If the request for a jury trial is granted, you must pay the fee within ten (10) days. If you do not make the request or pay the fee on time, you no longer have a right to a jury trial. If the court grants a jury trial, it cannot be withdrawn unless the other party agrees.

LEAVE BLANK

Clerk

SELECT THE BOXES THAT ARE TRUE

IMPORTANT INFORMATION ABOUT THIS CLAIM

1. INDIANA HAS A FREE LANDLORD/TENANT SETTLEMENT PROGRAM. Landlords and Tenants can request to use the settlement program at <https://www.in.gov/courts/selfservice/facilitate/>. If a settlement is made out of court, it should be in writing and signed by the Plaintiff and Defendant. The written settlement needs to be given to the court and it will have the same effect as a judgment given by the court.
2. You can represent yourself in court, or you can have an attorney represent you.
3. A small claims manual and court rules can be found at: <https://www.in.gov/courts/publications/small-claims-manual/>
4. Bring all documents and witnesses that you want the court to see to the hearing with you.
5. If the Defendant does not show up for a court date, a decision may be made against them (default judgment). If a Petitioner does not show up, the case may be dismissed. However, the Petitioner may be able to file it again.
6. Even if a Defendant agrees that what the Petitioner has said is true, a Defendant may still want to show up for hearing to help decide on how payment will be made.
7. If you cannot go to court on a hearing date you will need to ask the court for a new date by filing a **Motion to Continue**. You should file the motion *as soon as possible*. The court may or may not grant the motion.
8. If the Defendant has a claim against the Plaintiff, the Defendant may want to file a **counterclaim**. It has to be filed with the court early enough so that the Plaintiff receives it at least seven (7) days before the hearing.

RETURN OF SUMMONS CERTIFICATE OF MAILING (If applicable)

I hereby certify that on _____ I mailed a copy of this Notice of Claim to each of the defendants

_____ by certified mail requesting a return receipt signed by the addressee only, addressed to each of said defendants

_____ at the addresses furnished by the Plaintiff

Date: _____

Clerk

RETURN BY SHERIFF OR OTHER PERSON ON SUMMONS (If applicable)

I hereby certify that on the below date:

I served this Notice of Claim for Possession, Rent Due and Damages by delivering a copy to the Defendant;

I served this Notice of Claim for Possession, Rent Due and Damages by leaving a copy:

at the dwelling or usual place of abode of Defendant;

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

and by mailing a copy of this Notice of Claim for Possession, Rent Due and Damages to the Defendant, by first class mail, to the address listed on the Notice of Claim for Possession, Rent Due and Damages (date copy mailed if different from below: _____)

I was unable to serve this Notice of Claim for Possession, Rent Due and Damages because _____.

Date: _____

Sheriff of _____ County

By: _____