SMALL CLAIMS EVICTION COMPLAINT

HAMILTON SUPERIOR COURT 4
One Hamilton County Square, Suite 292
Noblesville, Indiana 46060-2231
Telephone no. (317) 776-9612

CAUSE NO. 29D04-_____-SC-_____

Plaintiff requests service by:

☐ Sheriff of _____ County
☐ Certified mail

Plaintiff 1 _____

Plaintiff 2 _____

Address Line 1 _____

Address Line 2 _____

City _____ State ___ Zip _____

Telephone _____

If Plaintiff is represented by an attorney:

Attorney _____

Attorney Number _____

Address Line 1 _____

Address Line 2 _____

City _____ State ___ Zip _____

Telephone _____

vs.

Defendant 1 _____

Address Line 1 _____

Address Line 2 _____

City _____ State ____ Zip_____

Telephone _____

Defendant 2 _____

Address Line 1 _____

Address Line 2 _____

City _____ State ____ Zip_____

Telephone _____

CLERK'S NOTICE OF CLAIM TO DEFENDANT FOR EVICTION, RENT DUE, AND DAMAGES

You (The Defendant) have been sued by the Plaintiff whose name appears above. You must appear in Hamilton Superior Court 4 in person or by your attorney for **BOTH** of the following hearings:

eviction trial: _____ to contest the claim for eviction or back rent; and

damage trial: _____ to contest the claim for damages. The Plaintiff claims that you rented the property located at: _____ (copy of written lease, if any, is attached). The Plaintiff seeks possession of that property and requests your eviction from that property, claiming that: ☐ your rent is past due in the amount of $_____; and/or ☐ you have violated the rental agreement as follows:_____

_____

_____.

The Plaintiff demands immediate possession of the above property and judgment against the Defendant(s) for $_____, plus other damages to be determined, plus interest from the date of _____, 200__, at the rate of ____%, and the Court costs of this action.

Dated: _____, 200__.

_____
Plaintiff's or attorney's signature
(attorney must sign if an attorney is representing Plaintiff)

(See important information on reverse side)

IMPORTANT INFORMATION CONCERNING THIS CLAIM

1. The Plaintiff or the Defendant may represent themselves individually or be represented by an attorney. A Small Claims Litigant's Handbook is available at the offices of the Clerk or Court for each party's benefit. The Plaintiff and Defendant should bring to trial all documents in their possession or under their control concerning this claim.

2. A default judgment may be entered against the Defendant if he or she fails to appear for the eviction trial or damage trial, and if the Plaintiff fails to appear, the case will be dismissed (but the Plaintiff may re-file the claim once more).

3. If the Defendant does not wish to dispute the Plaintiff's claim, the Defendant still may wish to appear to allow the Court to establish the method for paying the judgment.

4. Any request for a continuance of the eviction trial or the damage trial by either party should be filed with the Court at least 5 days before the trial date. Forms to request a continuance are available at the Court's office. The party requesting a continuance must contact the other party regarding the request.

5. The Defendant must file any counterclaim with the Clerk in time to be mailed and received by the Plaintiff at least 7 calendar days before the trial. The Defendant does NOT waive a claim if the Defendant does not filed it as a counterclaim. The Defendant, however, does waives the amount of the counterclaim over the jurisdictional limit by filing a counterclaim.

6. If a settlement of this claim is made out of Court, it should be in writing and signed by the Plaintiff and Defendant. Settlement forms are available at the Court's office. The settlement shall be filed with the Court and will be entered in the Small Claims Docket and shall have the same effect as a judgment of the Court.

7. The filing of a Small Claim waives the Plaintiff's right to trial by jury. The Defendant may, no later than 10 days following service of the Notice of Claim, make a demand for a trial by jury in writing, specifying that the demand is made in good faith, and supplying the affidavit required by Indiana Code 33-29-2-7. Once a jury trial request has been granted, it may not be withdrawn without consent of both parties. Both parties should then obtain attorneys. The Defendant must pay a $70 fee at the Clerk's office within 10 days after the jury request has been granted; otherwise, the Defendant gives up the right to a jury trial.

SHERIFF'S RETURN OF NOTICE OF CLAIM

I hereby certify that on the below date:

☐ 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 Defendant;
- ☐ with a person of suitable age and discretion residing therein, namely_____;
- ☐ and by mailing a copy of the Notice of Claim to the Defendant, by first class mail, to the address listed on the Notice of Claim (date mailed if different from below: _____, 200___).

☐ I was unable to serve this Notice of Claim because _____

_____.

Dated: _____, 200__.

_____

Sheriff of Hamilton/_____ County

By: _____