

**NOTICE OF SMALL CLAIMS EVICTION
CLARK CIRCUIT COURT NO. 1
(Trial held in Magistrate "A" Courtroom, Room 111)**

Service by: Sheriff Certified Mail

CASE NO: 10C01- _____ SC- _____

NAME _____ (PLAINTIFF)

NAME _____ (DEFENDANT)

STREET ADDRESS _____

STREET ADDRESS _____

CITY, STATE, ZIP _____

CITY, STATE, ZIP _____

TELEPHONE _____ E-MAIL ADDRESS _____

TELEPHONE _____ E-MAIL ADDRESS _____

IF FILED BY PLAINTIFF'S ATTORNEY:

ATTORNEY'S NAME: _____

NAME _____ (DEFENDANT)

STREET ADDRESS: _____

STREET ADDRESS _____

CITY/STATE/ZIP: _____

CITY, STATE, ZIP _____

TELEPHONE NUMBER: _____

ATTORNEY NUMBER: _____

E-MAIL ADDRESS: _____

TELEPHONE _____ E-MAIL ADDRESS _____

NOTICE: A copy of the Lease MUST be attached to all copies of your claim.

STATEMENT OF CLAIM

The Plaintiff seeks Judgment against the Defendant(s) for \$ _____, plus additional accrued rent, utilities and attorney fees, plus court costs and sheriff service fee and Eviction from the rental property.

PLAINTIFF

NOTICE: READ THE FOLLOWING INFORMATION AND THE INFORMATION ON THE BACK OF THIS FORM

YOUR TRIAL IS SCHEDULED FOR _____ AT _____ .M. IN MAGISTRATE "A" COURTROOM, ROOM 111.

If you fail to appear in Court on the date and at the time set for trial, the Plaintiff can receive a judgment for the amount claimed, plus costs. If you do not wish to dispute the claim, you may nonetheless appear for the purpose of allowing the Court to establish a method of payment. If this matter is not settled and dismissed before the trial date, you will at the time of trial be required to appear with your witnesses and any documents required to prove your side of the case.

By filing a Small Claim, the Plaintiff has waived the right to a jury trial. You have ten (10) days from receipt of this notice to file a motion requesting a jury trial. Once a jury trial request has been granted, it may not be withdrawn without the consent of the other party or parties. Within ten (10) days after the jury trial request has been granted, the party requesting a jury trial shall pay the clerk the additional amount required by statute to transfer the claim to the plenary docket otherwise the party requesting the jury trial shall be deemed to have waived the request.

An individual, sole proprietor, or a partner may appear in person or by an attorney.

In any claim **not exceeding \$1,500.00** any **Sole Proprietorship, Partnership, Corporation, Limited Liability Company (LLC), Limited Liability Partnership (LLP) or Trust** may be represented by a full-time employee or trustee. However, before a full time employee or trustee may appear, the Sole Proprietorship, Partnership, Corporation, LLC, LLP or Trust must have on file with the Court a Certificate of Compliance duly adopted in accordance with Small Claims Rule 8 (C). Additionally, the designated employee or trustee must have an affidavit on file in accordance with Small Claims Rule 8 (C). **HOWEVER, CLAIMS EXCEEDING \$1,500.00 MUST BE DEFENDED OR REPRESENTED BY AN ATTORNEY.**

If you have questions concerning this matter you should call the Court Reporter at 812/280-5661 or write to Clark Circuit Court No. 1, Clark County Government Building, 501 E. Court Avenue, Jeffersonville, IN 47130.

If you are not the original creditor, and the claim arises from a debt that is primarily for personal, family, or household purposes, the plaintiff shall provide an Affidavit of Debt that shall have attached as one or more Exhibits which shall include: 1) a copy of the contract or other writing evidencing the original debt, which shall contain a signature of the defendant. If a claim is based on credit card or other debt and no such signed writing evidencing the original debt ever existed, then copies of documents generated when the debt was incurred or the credit card was actually used shall be attached; and 2) a chronological listing of the names of all prior owners of the debt and the date of each transfer of ownership of the debt, beginning with the name of the original creditor; and 3) a certified or other properly authenticated copy of the bill of sale or other document that transferred ownership of the debt to the plaintiff.

PLEASE READ CAREFULLY

(This information is not intended as legal advice)

IF YOU ARE THE PLAINTIFF

The Plaintiff must know the correct name and address of the Defendant(s). Also, the Plaintiff should make sure that you are suing the proper entity or person. In most cases, the Defendant must either live or do business in the State of Indiana, or the claim must have arisen in Indiana before this Court will have jurisdiction over the Defendant.

The maximum judgment amount allowed in Small Claims Court is \$8,000.00. You may file an action in Small Claims Court when you are owed more than \$8,000.00. However, **\$8,000.00 is the maximum recovery allowed.** You may also recover your filing fee.

REQUIREMENTS AT TRIAL FOR PLAINTIFF AND DEFENDANT

Although the Small Claims Rules provide for flexibility in presenting evidence, the Plaintiff will be required to provide all relevant evidence necessary to prove that you are entitled to a recovery, as well as proving the amount to which you are entitled.

As a Defendant, you should be prepared to defend your case in Court. The Plaintiff and Defendant should, therefore, bring all witnesses, receipts, photos and documents which you believe are necessary to prove or defend your case.

The Court will not consider documents which are not presented at the trial. The Court will not telephone witnesses who are not present, and will give only limited attention or weight to the statements of persons not present. **ALL RECEIPTS, PHOTOS AND DOCUMENTS PRESENTED AS EVIDENCE WILL BE KEPT IN THE COURT FILE.**

You can review/print the Small Claims Manual at:

<http://www.in.gov/judiciary/files/small-claims-manual.pdf>

You can view a video “Going to Small Claims Court Without a

Lawyer at: <http://www.in.gov/judiciary/selfservice>

PROPER ATTIRE FOR COURT IS REQUIRED. SHORTS OR ATTIRE THAT IS OFFENSIVE OR VULGAR WILL NOT BE ALLOWED IN THE COURTROOM.