

STATE OF INDIANA )  
 )SS:  
COUNTY OF MARION )

IN THE WARREN TOWNSHIP OF MARION COUNTY SMALL CLAIMS COURT  
501 N. Post Road, suite C  
Indianapolis, IN 46219,  
Phone No. 317-327-8919

CAUSE NUMBER 49K06 \_\_\_\_\_ -SC \_\_\_\_\_

\_\_\_\_\_  
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

**You should appear in court on \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_M. to answer the Plaintiff's claim in a trial or hearing. A damage hearing is schedule on \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_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 1<sup>st</sup> Class Mail (not Certified) to the 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 1<sup>st</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> 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.

**2<sup>nd</sup> 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 \$8,000.00 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 \$1500.00 as the party's Ind. Small Claims Rule 8(C) representative. 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 1<sup>st</sup> hearing to help decide when the Defendant will vacate the Real Estate and the Defendant may appear at the 2<sup>nd</sup> hearing to help decide how much the Defendant owes and how to pay the judgment.

**If a party is unable to appear at the 1<sup>st</sup> or 2<sup>nd</sup> hearing, the party may file a written motion for continuance with the Clerk of the Warren Township Small Claims Court, at the address on the 1<sup>st</sup> page, explaining why the parties is unable to attend the hearing.** A motion to continue a hearing should be filed at least 48 hours before the hearing. **Continuance of 1<sup>st</sup> hearing is seldom granted.** If the Defendant does not appear at the final 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 the jury trial request is granted. 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.on.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.

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### SUMMONS

You should appear in court on \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_M. to answer the Plaintiff's claim in a trial or hearing. A damage hearing is schedule on \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_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 \_\_\_\_\_

Served By: \_\_\_\_\_