

NOTICE OF SMALL CLAIMS EVICTION

CLARK COUNTY COURTS

501 E. Court Avenue, Jeffersonville, Indiana
(Hearing Held in Magistrate "A" Courtroom 111)

Service by: ☐sheriff

☐certified Mail

CASE NO: _____

NAME (PLAINTIFF)

NAME (DEFENDANT)

STREET ADDRESS

STREET ADDRESS

CITY, STATE, ZIP

CITY, STATE, ZIP

TELEPHONE EMAIL ADDRESS

TELEPHONE EMAIL ADDRESS

IF FILED BY PLAINTIFF'S ATTORNEY

ATTORNEY NAME: _____

NAME (DEFENDANT)

STREET ADDRESS: _____

STREET ADDRESS

CITY, STATE, ZIP: _____

CITY, STATE, ZIP

TELEPHONE NUMBER: _____

TELEPHONE EMAIL ADDRESS

ATTORNEY BAR NUMBER: _____

EMAIL 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 HEARING 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 Once a jury trial request has been granted, it may not be withdrawn without the consent of the other party or parties.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 \$6,000.00 any Sole Proprietorship, Partnership, Corporate Entities, 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, Corporate Entity, LLC, LLP or Trust must file a Certificate of Compliance duly adopted in accordance with Small Claims Rule 8 (C). Additionally, the designated employee or trustee must file an Affidavit in accordance with Small Claims Rule 8 (C). The Certificate of Compliance and Affidavit **MUST** be filed in EACH case prior to appearing in Court.

HOWEVER, CLAIMS EXCEEDING \$6,000.00 MUST BE DEFENDED OR REPRESENTED BY AN ATTORNEY.

If you have questions concerning this matter you should call 812/280-5661.

(1/2022)

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 \$10,000.00. You may file an action in Small Claims Court when you are owed more than \$10,000.00. However, **\$10,000.00 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 should review/print the Small Claims Manual at:
<http://www.in.gov/courts/publications/small-claims-manual>**

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