

STATE OF INDIANA)
) SS:
RANDOLPH COUNTY)

* RANDOLPH SUPERIOR COURT
* 3RD FLOOR, COURTHOUSE
* WINCHESTER, INDIANA 47394
* (765) 584-7605

Plaintiff(s): _____

* Cause No.68D01-_____

Address: _____

Telephone: _____

VS

Defendant(s) _____

Address: _____

Telephone: _____

* ***IF MORE THAN ONE PLAINTIFF OR
* DEFENDANT, STATE ADDRESS AND
* TELEPHONE FOR EACH.***

SMALL CLAIMS NOTICE OF CLAIM

The Plaintiff complains of the Defendant and says that the Defendant is indebted to the Plaintiff for reasons stated herein: _____

_____ And hereby prays for judgment in the sum of \$ _____, and costs of \$ _____, and all other proper relief.

TO THE CLERK: Please summon the Defendant(s) to appear in Court and answer this claim. The following manner of service is requested: _____ Certified Mail, Restricted Delivery
_____ Personal Service by the _____ County Sheriff

Signature of Plaintiff or Attorney

Name, Address and Telephone of Attorney

NOTICE TO APPEAR

TO THE DEFENDANT(S): You are notified to appear before the Judge of the Randolph Superior Court on _____ at 9:00 a.m. to answer the Plaintiff in a trial on the above claim.

Dated: _____

Clerk, Randolph Superior Court

NOTICE TO ALL PARTIES

1. The Defendant is notified that you have been sued by the person(s) named Plaintiff in the Randolph Superior Court. The nature of the suit and the demand made against you is stated in the claim on the reverse side of this form. The parties may appear either in person or by an attorney in accordance with the following.

2. A natural person may appear either in person or by an attorney. A corporation, sole proprietor or partnership may appear by designated full time employee when permitted by Small Claims Rule 8(c). Otherwise, a sole proprietor or partnership must appear in person or by counsel and a corporation may appear only by counsel.

3. Both the Plaintiff and the Defendant should bring to the trial all witnesses and documents in their possession or under their control concerning the claim.

4. If a Defendant intends to dispute the claim, please notify the Court at least fourteen (14) days before the scheduled trial date by contacting the Court Reporter in person, by mail or by telephone at (765) 584-7605. This request is made for scheduling purposes and does not affect the Defendant's right to dispute the claim at trial.

5. If a Defendant desires to make a counterclaim arising out of the Plaintiff's claim, the Defendant must file a written counterclaim with the Clerk of the Court. Forms may be obtained from the Clerk's Office. The written counterclaim must be filed within such time as will allow the mailing of a copy to the Plaintiff and be received by the Plaintiff at least seven (7) calendar days prior to the trial (please try to file at least fourteen (14) calendar days in advance of the scheduled trial date). If a Plaintiff does not timely receive the counterclaim, the Plaintiff may request a continuance of the trial.

6. By pursuing a claim or counterclaim on the Small Claims Docket, the Plaintiff and the Defendant give up any amount in excess of small claims jurisdiction and may not later bring a separate action for the remainder of any such claim or counterclaim. If the Defendant desires to pursue a counterclaim in excess of small claims jurisdiction, the Defendant must pay to the Clerk a transfer fee and have the case transferred to the plenary docket.

7. By filing this claim on the Small Claims Docket, the Plaintiff has given up the right to a trial by jury. However, the Defendant has a right to jury trial. To exercise this right, the Defendant must within ten (10) days from receipt of this notice file an affidavit with the Clerk requesting a jury trial. The affidavit must make a demand for trial by jury, state that there are questions of fact requiring a trial by jury, specify those questions of fact and state that the demand is in good faith. In addition, the Defendant must timely pay to the Clerk the fee to transfer the case to the plenary docket. Once a jury trial request has been granted, it may not be withdrawn without the consent of the other parties. If the Defendant fails to timely make request for trial by jury or fails to timely pay the transfer fee, then the Defendant gives up the right to trial by jury.

8. Upon transfer of the case to the plenary docket, the action loses its status as a small claim and all formal rules and procedures shall apply.

9. If the Defendant does not wish to dispute the Plaintiff's claim, the Defendant may still appear on or before the time of trial for the purpose of providing information to the Court as to how and when the judgment can be paid.

10. If the Defendant cannot appear at the time and place set in the notice, the Defendant should contact the Court Reporter in person, by mail, or by telephone at (765) 584-7605 to request that the trial be continued to another date. Contact should be made as soon as the Defendant knows that the Defendant will be unable to appear.

11. If the Defendant fails to appear in Court at the time set for the trial, a default judgment may be entered against the Defendant.