

EVICTIION - NOTICE OF CLAIM FOR POSSESSION OF RENTAL UNIT AND RENT DUE

TIPPECANOE SUPERIOR COURT No. 7

Courthouse, 301 Main Street
Lafayette, Indiana 47901
Telephone: (765) 269-4030

CAUSE NO. 79D07-_____ -EV-_____

Plaintiff requests service by:

- Sheriff of Tippecanoe/_____ County
- Certified Mail

If Plaintiff is represented by an Attorney:

Attorney _____
Attorney No. _____
Address _____
Address _____
City _____ State _____ Zip _____
Telephone (_____) _____
Email _____

Plaintiff 1 _____
Address _____
Address _____
City _____ State _____ Zip _____
Telephone (_____) _____
Email _____

Defendant 1 _____
Address _____
Address _____
City _____ State _____ Zip _____
Telephone (_____) _____
Email _____

Plaintiff 2 _____
Address _____
Address _____
City _____ State _____ Zip _____
Telephone (_____) _____
Email _____

Defendant 2 _____
Address _____
Address _____
City _____ State _____ Zip _____
Telephone (_____) _____
Email _____

TO THE DEFENDANT(s): You must appear in the Tippecanoe Superior Court No. 7 in person (with or without your attorney) on _____, 20____ at 8:25 AM to hear or to contest this claim for eviction, past due rent, damages and/or other lease violations as claimed by the Plaintiff and set out below. If all Defendant(s) do not appear in person and on time, a default judgment may be entered against the absent Defendant(s).

EVICTIION - NOTICE OF CLAIM FOR POSSESSION OF RENTAL UNIT AND RENT DUE

On or about the date of _____, Plaintiff rented or leased to the Defendant(s) the property located at _____, in Tippecanoe County, Indiana for the term of _____ months/years OR month-to-month. The Defendant(s) agreed to pay rent at the rate of \$_____ per week/month payable in advance on the _____ day of each week/month. Rent is now past due in the amount of \$_____, more or less, **AND/OR**

Defendant(s) have otherwise violated the terms of the lease as follows: _____

The Defendant(s) are are not still in possession of the property as of the date of this filing.

WHEREFORE, Plaintiff demands judgment for the immediate possession of the property and/or judgment for the amount of \$_____ plus court costs.

Plaintiff: you must attach a copy of your written lease with the Defendant(s) to this Notice of Claim

_____, 20____
Date

Plaintiff signature or Attorney signature
(Attorney must sign if Plaintiff is represented)

(See important information and SHERIFF'S RETURN OF SERVICE 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 Manual is available at the offices of the Clerk or Court (or at the website at www.tippecanoe.in.gov). The Plaintiff and Defendant should bring to this hearing all documents, exhibits and evidence in their possession or under their control concerning this claim.
- (2) For the first scheduled hearing date, the issue will be for possession only. Continuances of eviction cases where the Defendant remains in possession of the property are rarely granted. If possession is granted, the Defendant will be ordered to vacate (move out) of the property in one week or less. This "move out" date will not be extended without the agreement of the Plaintiff. If necessary, a hearing to determine any damages or other monies owed by or due to be refunded to the Defendant will be scheduled for a later date. Any security deposit will be applied after damages to the rental unit and property, if any, are assessed.
- (3) A default judgment may be entered against the Defendant if he or she fails to appear for a first scheduled hearing date or any trial date. If the Plaintiff fails to appear, the case will be dismissed (but may be refiled).
- (4) If the Defendant does not dispute the Plaintiff's claim for possession, the Defendant should still appear to allow the Court to establish the total amount of money owed, if any, and a specific date to vacate the property.
- (5) The Defendant must file any counterclaim with the Clerk to allow enough time for the claim to be mailed to and received by the Plaintiff at least 7 calendar days before the trial. The Defendant does not waive a possible claim against the Plaintiff by not filing a counterclaim at the same time as the original claim filed by the Plaintiff. But the Defendant does waive any amount of the counterclaim over the jurisdictional limit of \$6,000 by filing a counterclaim. Forms are available at the Clerk's and Court's office or on the website.
- (6) The filing of a Small Claim waives the Plaintiff's right to trial by jury. The Defendant may make a demand for a trial by jury in writing no later than 10 days following service of the Notice of Claim, in accordance with Indiana Code 33-29-2-7. Forms to file a jury demand are available at the Clerk's and Court's office or on the website. If 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. However, requesting a jury trial will not cancel, postpone or continue the initial hearing date for possession.
- (7) Any exhibits you may offer at trial will be retained by the court for at least 45 days and no more than 120 days after any hearing that results in a judgment. You may make arrangements to pick up your evidence with the court reporter any time 45 days after judgment has been entered. If an appeal is filed, those exhibits will remain permanently with the court. You will receive no further notices regarding your evidence.

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 person of the Defendant **OR**

By leaving a copy either:

Posted prominently at the residence of the Defendant listed on the front of this Notice; **OR**

With a person of suitable age and discretion residing there, name _____; **OR**

At Defendant's place of work, employment or business listed on the front of this Notice.

AND

By mailing a copy of the Notice of Claim to the Defendant (1st Class mail) to the address listed on the front of the Notice (date mailed if different from date below: _____, 20____)

I was unable to serve this Notice of Claim because _____

_____, 20____
Date

Sheriff of Tippecanoe/_____ County

BY: _____