

Notice of Claim [Small Claims Complaint]

Use this form when:

You are the Plaintiff and

- You are filing any small claims complaint except an eviction

SCROLL DOWN TO Notice of Claim [Small Claims Complaint]

**NOTICE OF CLAIM
[Small Claims Complaint]**

TIPPECANOE SUPERIOR COURT No. 4
Courthouse, 301 Main Street
Lafayette, Indiana 47901
Telephone: (765) 423-9266 www.tippecanoe.in.gov

CAUSE NO. 79D04-_____ **-PL/SC-**_____

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
Name _____
Address _____
City _____ State _____ Zip _____
Telephone _____
Email _____

Defendant 1
Name _____
Address _____
City _____ State _____ Zip _____
Telephone _____
Email _____

Plaintiff 2
Name _____
Address _____
City _____ State _____ Zip _____
Telephone _____
Email _____

Defendant 2
Name _____
Address _____
City _____ State _____ Zip _____
Telephone _____
Email _____

CLERK'S NOTICE OF CLAIM TO DEFENDANT and SUMMONS

You (the Defendant) have been sued by the Plaintiff whose name appears above. You must appear in Tippecanoe Superior Court No. 4 in person or by your attorney on _____, 20____ at ____:____AM/PM for a first hearing. The Court may enter a default judgment against you if you fail to appear. The Plaintiff's claim is for:

- Contract, Note or Account (copy attached)
- Personal injury or property damage
- Other _____

A brief statement of the Plaintiff's claim against you is as follows: _____

The Plaintiff demands judgment against you for \$_____ plus interest from the date of the filing of this Claim at the rate of _____% and court costs of this action.

_____, 20____
Date

Plaintiff or Attorney signature
(Attorney must sign if Plaintiff is represented by an attorney)

**(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 Clerk's or the Court's office (or at the website www.tippecanoe.in.gov). The Plaintiff and Defendant should bring to trial all witnesses, documents, exhibits and evidence in their possession or under their control concerning this claim. Many times, the Court will not conduct the trial or hear a contested case at the first scheduled hearing date unless time permits and both parties are prepared to proceed at that time.

(2) A default judgment may be entered against the Defendant if he or she fails to appear for the first scheduled hearing date or any subsequent trial date. If the Plaintiff fails to appear, the case will be dismissed (but may be refiled).

(3) If the Defendant does not dispute the Plaintiff's claim, the Defendant may still appear to allow the Court to establish the method for paying the judgment.

(4) Any request for a continuance of a first scheduled hearing or any trial date by either party should be filed with the Court at least seven (7) days before the court date. Forms to request a continuance are available online or at the Clerk's or Court's office. The party requesting the continuance must notify the other party of the request. Any request for a continuance will not be considered unless in writing and served on the other party. Each party will only be granted one continuance during the case unless there are extremely unusual circumstances.

(5) The Defendant must file any counterclaim with the Clerk to allow enough time for the claim to be mailed and received by the Plaintiff at least seven (7) days before the first scheduled hearing. 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 \$10,000 by filing a counterclaim. Forms to file a counterclaim are available at the Clerk's or Court's office or on the website.

(6) If a settlement of this claim is made out of Court, it should be in writing and signed by both parties. Forms to file an Agreed Judgment are available at the Clerk's or Court's office or on the website. The Agreed Judgment shall be filed with the Court, be entered in the Small Claims Docket and have the same effect as a judgment of the Court.

(7) The filing of a Small Claim waives the Plaintiff's right to a trial by jury. The Defendant may make a demand for a trial by jury in writing no later than ten (10) days following service of this Notice of Claim, on accordance with I.C. 33-29-2-7. Forms to file a jury demand are available at the Clerk's or Court's office or on the website. If a jury trial demand has been granted, it may not be withdrawn without agreement by all parties. All parties should then obtain attorneys. The Defendant must pay a \$70 fee at the Clerk's Office within ten (10) days after the jury trial demand has been granted, otherwise, the Defendant gives up the right to a jury trial.

(8) Any exhibits or documents 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 result in a judgment. You may make arrangements to pick up your exhibits and documents any time 45 days after judgment has been entered. If an appeal is filed, these exhibits will remain permanently with the Court. You will receive no further notices regarding your evidence.

SHERIFF'S RETURN OF SERVICE of NOTICE OF CLAIM

I 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 of Claim; **OR**
 - with a person of suitable age and discretion residing therein, name _____; **OR**
 - at the Defendant's place of work, employment or business listed on the front of this Notice of Claim

AND

- By mailing a copy of this Notice to the Defendant (1st Class Mail) to the address listed on the front of this Notice of Claim (date mailed if different from below: _____, 20____).
- I was unable to serve this Notice of Claim because _____

_____, 20____
Date

Sheriff of Tippecanoe/_____ County

BY: _____