

State of Indiana )  
 ) SS:  
County of Madison )

In the Madison Circuit Court, Division \_\_\_\_\_  
Madison County Government Center (3rd Floor)  
16 East 9th Street, Anderson, Indiana 46016  
Telephone: (765) 641-9490

## CLAIM FOR POSSESSION OF REAL ESTATE AND FOR MONEY OWED

\_\_\_\_\_  
Name (Plaintiff)

Cause No. **48C0**\_\_\_\_ - \_\_\_\_\_ -EV- \_\_\_\_\_

Small Claims Docket

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zip Phone

AGAINST

\_\_\_\_\_  
Name (Defendant)

\_\_\_\_\_  
Name (Second Defendant)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zip Phone

\_\_\_\_\_  
City State Zip Phone

TO THE DEFENDANT(S): You have been sued by the Plaintiff for possession of real estate as alleged below:

Location of the property: \_\_\_\_\_ [Monthly] [Weekly] rent: \$ \_\_\_\_\_

Defendant [is] [is not] in breach of contract. Date rent was last paid: \_\_\_\_\_ Date landlord delivered notice to vacate: \_\_\_\_\_

Type of contract:  Written (copy attached)  Verbal  Month-to-Month  Lease for \_\_\_\_\_ months  Other

Rent owed, if any (as of the date of filing): \$ \_\_\_\_\_ Comments: \_\_\_\_\_

Physical damages to premises (if known at filing): \$ \_\_\_\_\_

Attorney fees (if claimed and permitted by law): \$ \_\_\_\_\_

Other: \_\_\_\_\_ \$ \_\_\_\_\_

SUBTOTAL \$ \_\_\_\_\_

Court costs (the filing fee paid by plaintiff): \$ \_\_\_\_\_

**TOTAL CLAIM OF PLAINTIFF** (including court costs) \$ \_\_\_\_\_

\_\_\_\_\_  
Signature of Plaintiff or Plaintiff's attorney

\_\_\_\_\_  
E-Mail (MANDATORY)

### **NOTICE TO APPEAR**

Defendant(s) shall appear for a POSSESSION HEARING to answer Plaintiff's claim on \_\_\_\_\_

at \_\_\_\_\_ (a.m.) (p.m.). Failure to appear may result in an IMMEDIATE ORDER OF EVICTION being entered

against Defendant(s). A second hearing, called a DAMAGES TRIAL, will be scheduled to determine whether any money is owed.

## IMPORTANT INFORMATION CONCERNING THIS CLAIM

1. If the Defendant does not dispute the Plaintiff's claim, he or she may appear at the time set for the pre-trial, confess judgment, and provide information as to how and when the judgment can be paid. Execution on the judgment shall be stayed automatically by the Court if the Defendant pays toward the judgment at least 15% of net take-home pay (calculated as gross pay minus taxes and social security).
2. A trial will be set if the claim is disputed. A continuance of the trial date will be granted only for good cause shown. Any request for a change of the trial date by either party should be directed to the Court Reporter.
3. Both plaintiff and defendant should have the cause number available and should refer to it when communicating with court personnel about the case. When reporting to court for pre-trial, trial, or for any other reason, both parties must bring their copies of the Notice of Small Claim and any other papers received from the Court.
4. The Plaintiff and Defendant may represent themselves individually or be represented by attorneys. If Plaintiff or Defendant is a corporation, it must be represented by a lawyer on any claim over \$1500.00. For claims of \$1500.00 or less, a corporation, partnership, or sole proprietorship may file with the Court a form (available at the court) designating a full-time employee as a representative for the business in court.
5. The Plaintiff and Defendant must bring to trial all documents and other available evidence which relate to this claim. Witnesses who are unwilling to appear voluntarily may be subpoenaed into court for the trial.
6. By filing this claim on the small claims docket of Circuit Court \_\_\_\_, the Plaintiff no longer has a right to a trial by jury. The Defendant has ten (10) days from receipt of this notice to file an *affidavit* requesting a jury trial and otherwise *complying with the requirements of Indiana Code 33-10.5-7-5*, or Defendant also loses the right to a trial by jury. Defendant with the affidavit must also pay a plenary transfer fee of Seventy Dollars (\$70.00). If the request for jury trial is granted, it may not be withdrawn without consent from all parties; the case will be transferred to the plenary (regular) docket and will lose its status as a small claim. All formal rules of procedure and evidence are followed in cases on the plenary docket, and it is strongly advised that both Plaintiff and Defendant be represented by attorneys in such a situation.
7. If Defendant has any claim against Plaintiff, he or she may contact the court at the pre-trial conference or otherwise and file a counter-claim. A counter-claim would be heard at the same time as the trial on Plaintiff's claim. The counter-claim must be filed so as to give Plaintiff notice of it at least seven (7) calendar days prior to trial. If the counter-claim exceeds the \$6,000 small claims limit, Defendant waives the excess by filing on the small claims docket.
8. A claim settled by out-of-court agreement may be disposed of in two ways: (1) Plaintiff may sign a form dismissing the claim if he or she is fully satisfied. (2) An agreement that a judgment will be entered and paid in specific installments can be put in writing, signed by both sides, and submitted for the judge's approval. If approved, the agreement will then become a judgment.
9. Court personnel are available to assist with questions about court procedures or filling out forms. Neither the employees nor the judge, however, are permitted to give legal advice (whether to file a claim, whom to file against, how much to sue for, etc.). An attorney should be consulted regarding legal questions.
10. **FAILURE TO APPEAR.** A Defendant who fails to appear for the pre-trial conference or for trial may have a default judgment entered against him or her at the request of the Plaintiff. Failure of the Plaintiff to appear for trial will usually result in dismissal of the claim and a judgment for Defendant if a counter-claim has been filed. An alternative to dismissing a case is assessing special costs against the non-appearing party. If a judgment is entered and the person owing the debt fails to obey a direct Court order to appear for further hearing, that person will usually be arrested for contempt of court.
11. If you have questions about court procedures or the first hearing that has been scheduled in this case, you may call Circuit Court 4 at (765) 641-9490 or Circuit Court 5 at (765) 641-9496.