

STATE OF INDIANA
COUNTY OF WAYNE

IN THE WAYNE SUPERIOR COURT 3
CAUSE NO. 89D03-_____

NOTICE OF CLAIM FOR POSSESSION, RENT DUE, AND DAMAGES

Plaintiff 1 _____ vs. Defendant 1 _____

Plaintiff 2 _____ Defendant 2 _____

Address _____ Address _____

City _____ State _____ Zip _____ City _____ State _____ Zip _____

Telephone _____ Telephone _____

Email Address _____

The plaintiff(s) is asking the Court to issue an order of eviction and enter a judgment against the defendant(s) for unpaid rent and damages. The plaintiff(s) owns the property located at:

_____, where

defendant(s) lives. The plaintiff(s) claims that the defendant(s)'s rent is past due in the amount

of \$_____ and/or that the defendant(s) has violated the lease agreement, rental

agreement, or other agreement by: _____

There is a lease or rental agreement **attached**, OR

There was no written lease or rental agreement.

This complaint does **NOT** involve a land contract.

The plaintiff(s) and the defendant(s) must appear for a **Possession (Eviction) Hearing in Wayne Superior Court No. 3, Magistrate's Courtroom, First Floor, 301 East Main Street, Richmond, Indiana 47374, on _____.**

If the defendant(s) fails to appear, the Court may enter a Possession Order and/or Damages Judgment against the defendant(s). If the plaintiff(s) fails to appear, the Court may dismiss the claim. A separate Damages Hearing shall be held to determine the amount, if any, the defendant(s) owes the plaintiff(s). The Wayne County Clerk's small claims staff may be reached at 765-973-9230. The Clerk's staff is not allowed to provide legal advice.

I/we swear or affirm under the penalties of perjury, that what is contained in this document is true.

Signature for Plaintiff 1 Date

Signature for Plaintiff 2 Date

OTHER IMPORTANT INFORMATION CONCERNING THIS SMALL CLAIM

1. **The Small Claims Office** – The Wayne County Clerk’s, Small Claims Office (“Small Claims Office”) is located at Wayne County Courthouse, 301 East Main Street, second floor, Richmond, Indiana 47374 or by telephone at 765-973-9230. All pleadings (motions, requests, notices, etc.) are filed at the Small Claims Office. Sample forms are available on the Wayne County Clerk’s website (<http://www.co.wayne.in.us/clerk/>).
2. **mycase.in.gov** – You may check the status of your case, including your hearing dates, at mycase.in.gov.
3. **Small Claims Manual** – A copy of the Indiana Small Claims Manual (“Manual”) is available at the Small Claims Office. The Manual, the Indiana Small Claims Rules, and a video, “Representing Yourself in Small Claims Court,” are also available on the Wayne County Clerk’s website (address above) or at <https://www.in.gov/courts/publications/small-claims-manual/>
4. **Right to Jury Trial** – The defendant(s) has the right to a jury trial. A written request for a jury trial must state what facts are in dispute (a fact that the plaintiff says is true and the defendant says is not true), comply with Indiana Code 33-29-2-7, and state that the defendant is acting in good faith. The jury trial request must be filed within ten (10) days of defendant receiving notice of this claim. If the request for a jury trial is granted, the defendant must pay a transfer fee within ten (10) days of the request being granted. If the jury trial request is not filed on time, or the transfer fee is not paid on time, the defendant will no longer have the right to a jury trial. If the request for a jury trial is granted, the defendant cannot withdraw the request unless the plaintiff agrees.
5. **Representation** -- You can represent yourself in court or you may hire an attorney to represent you.
6. **Documents** -- Bring all documents you want the Court to see to the hearing or file the documents at least the day before the hearing in the Small Claims Office. You should have a copy to give to the other party.
7. **Motion for Continuance** – If you cannot come to a hearing, you may file a Motion for Continuance. You should file the motion *as soon as possible* to give the Court time to process the motion. The court may or may not grant the motion. You are ordered to appear for the original hearing unless the Court grants the Motion for Continuance.
8. **Counterclaim** – If the defendant(s) has a claim against the plaintiff(s), the defendant(s) may file a Counterclaim. The Counterclaim must be filed with the Court and given to the plaintiff(s) early enough that the plaintiff(s) receives the Counterclaim at least seven (7) days before the hearing.