

NOTICE OF CLAIM (EVICTION)

Plaintiff

ADAMS SUPERIOR COURT
122 SOUTH 3RD STREET
DECATUR, IN 46733
TELEPHONE: (260) 724-5347

Address

City, State, Zip

Telephone

AGAINST

Case Number: _____

Defendant

Address

City, State and Zip

Telephone

TO THE DEFENDANT: You are notified that the Plaintiff has filed a small claim eviction lawsuit in the Adams Superior Court naming you as Defendant. If you fail to appear for hearing or trial, a default judgment may be entered against you, including eviction from your home. Therefore, carefully read the information on the reverse side.

THE COURT HAS SET THE EVICTION TRIAL DATE FOR THIS LAWSUIT FOR THE _____ DAY OF _____, 20____, AT _____ .M. AT ADAMS SUPERIOR COURT, 122 SOUTH THIRD STREET, DECATUR, INDIANA 46733. A DAMAGE HEARING IS SCHEDULED FOR THE _____ DAY OF _____, 20____, AT _____ .M.

The Plaintiff's claim is for **EVICTION** from and immediate possession to the real estate located at _____ for: breach of contract failure to pay rent and other charges when due pursuant to the written lease oral lease other _____ grounds (please specify): _____

The Plaintiff demands an order granting them immediate possession of real estate, and judgment against the Defendant for rent or other moneys due as of this date in the sum of \$_____ plus Court costs in the sum of \$_____ for a **TOTAL** of \$_____. Rent shall continue to accrue at a rate of \$_____ per _____.

Plaintiff does _____ does not _____ demand interest at 8% on judgment.

_____ By initialing here, I verify I have included proof of ownership of the property at issue.

You may be eligible for temporary protection from eviction. To learn more, visit <https://www.in.gov/courts/housing/>

Plaintiff

CAREFULLY READ THE INFORMATION ON THE REVERSE (OR FOLLOWING) PAGE

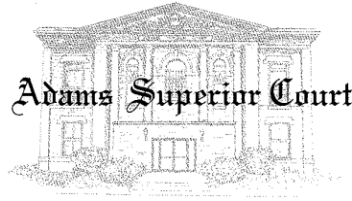
IMPORTANT INFORMATION ABOUT THIS CLAIM

1. **Payment and dismissal:** You may pay this claim and the Court costs before trial, and this case will be dismissed. Payment must be made at the Clerk's Office in the Courthouse at 112 South 2nd Street, Decatur, IN 46733, Monday through Friday from 8:00 a.m. to 4:00 p.m. **Do not pay the Plaintiff or the Plaintiff's attorney directly.**
2. **Method of payment:** If you do not wish to dispute the claim, you may appear on the first hearing date for the purpose of allowing the Court to establish the method by which the judgment should be paid.
3. **Disputing the Claim:** If you wish to dispute this claim, you must notify the Court at the first hearing date.
4. **Default Judgment:** If you fail to appear at the first hearing date or the trial date, a default judgment may be entered against you for the amount of the claim plus Court costs.
5. **Appearance:** You may appear in person, or if you wish, by an attorney. Attorneys are not required in small claims except for corporations.
6. **Counter-Claim:** If you have a claim against the Plaintiff, you may bring or mail a statement of such claim to this Court in sufficient time to allow the Court to mail a copy to the Plaintiff and be received by him at least seven days prior to the trial. If this is not done, the Plaintiff may request a continuance.
7. **Information at trial:** If the lawsuit shall require a trial before the Court, both parties should bring to the trial all documents in your possession or under your control and also your witnesses that are necessary to prove your side of the case. Any digital evidence must be placed on a DVD or flash drive for the Court to consider it.
8. **Jury trial:** You have a right to a jury trial, but this right is given up unless you request a jury trial within ten (10) days after you receive notice of this claim. If a jury trial request has been granted, it may not be withdrawn without the consent of the other party or parties. And within ten (10) days after the jury trial request has been granted, you pay the clerk the additional amount required by statute to transfer the claim to the plenary docket.
9. **Evidence You Want to Present in Court:** All documents, photographs, video evidence, and other exhibits you intend to introduce at trial must be provided to the opposing party **one week before trial**. Also, for all documentary evidence, **you must bring three copies:** one for yourself, one to present to the Court, and one for the opposing party. If you do not bring three copies, the evidence will not be considered by the judge.
10. **Corporate Entities, Limited Liability Companies (LLC's), Limited Liability Partnerships (LLP's), Trusts:** Corporate Entities, Limited Liability Companies (LLC's), Limited Liability Partnerships (LLP's), Trusts must be represented by an attorney if the claim exceeds \$6,000.00.
11. **Full Time Employee or Trustee Designations:** Small Claims Rule 8(C) governs who may represent the parties. Before an employee who is designated pursuant to that rule to represent a corporate entity, sole proprietorship, partnership, LLC, LLP, or a trustee may act on behalf of a party in a small claims case, the designated employee or trustee must file **in each case** the certificate of compliance and affidavit required by S.C. 8(C).
12. **Sanctions:** A court may sanction a designated employee or trustee and the entity the employee or trustee represents for failure to comply with these rules or local rules of court. Sanctions may include assessment of costs or reasonable attorney's fees, the entry of a default judgment, the dismissal of a claim with or without prejudice, fines, and/or incarceration.
13. **Inability to appear:** If you are unable to appear at the time or place designated in this claim, you must contact the Court Reporter or Bailiff at Adams Superior Court, 122 South 3rd Street, Decatur, Indiana 46733, (260) 724-5347.
14. **Motions to Continue:** If you need to continue a hearing or trial, you must file a written Motion to Continue with the Clerk of the Court or the Court no later than five (5) days before that hearing and as timely as possible after discovering the need for a continuance. Your motion must set out in detail your reason for seeking a continuance. The Court may grant or deny your Motion to Continue. No continuance of hearing or trial will be granted upon an oral request.
15. **Additional information:** Additional information on small claims is available on the Clerk's website. <https://www.co.adams.in.us/289/Small-Claims>

JUDGE
SAMUEL K. CONRAD

COURT ADMINISTRATOR
MARILYN ANDREWS

COURT REPORTERS
JAN SCOTT
KELLIE LEWIS
SHELLY LANDRUM



**26th JUDICIAL CIRCUIT
OF INDIANA**

122 SOUTH THIRD STREET
DECATUR, INDIANA 46733

TELEPHONE (260) 724-5347
FACSIMILE (260) 724-5348
scourtstaff@co.adams.in.us

COURT SECURITY
ANDY GUISE
DAVE GAUNT

EMERGENCY RENTAL ASSISTANCE ADVISEMENT

1. Emergency rental assistance is available to assist with nonpayment of rent. Participation in the rental assistance program can be helpful to both landlords and tenants.

2. The emergency rental assistance program for this area is the Indiana Housing and Community Development Authority ("IHCDA"). More information about the IHCDA's Emergency Rental Assistance Program can be found at: <https://www.in.gov/ihcda/homeowners-and-renters/rental-assistance/>.

To apply for assistance, visit www.indianahousingnow.org or call 211.

3. There are certain eligibility requirements, including that the tenant's household income is at or below 80% Area Median Income or household income meets the HUD definition of a low-income household. The IHCDA will determine eligibility for assistance. To make this determination, both landlords and tenants need to complete portions of the program application.

4. If you are eligible for emergency rental assistance, the funds can help the landlord receive past due rent, future rent, or reduce your outstanding balance owed, and may resolve your dispute with your landlord. Utility assistance *may* also be available.

5. If you are not eligible, there may be other community resources for rental assistance that can help both parties and possibly resolve this dispute, including resources available from your township trustee.

6. Active participation in the Pre-eviction Diversion Program will result in this case being marked **confidential**. When a case is marked confidential, it is no longer available on mycase.in.gov. The case may remain confidential during and after the program **as long as there are no defaults by the tenant**.

7. If you both agree to work together to seek rental assistance, then this case can be rescheduled to allow you to complete the application process and receive a determination of eligibility. The case management order will have your court dates listed and having your cell phone number in the court file can allow for text message reminders of these dates.

8. There is a free settlement conference program offered by the state that can assist in discussing possible resolutions to this case. If you both agree to participate in this service, then this case can be rescheduled to allow participation in the conference. The case management order will have your court dates listed and having your cell phone number in the court file can allow for text message reminders of these dates.

9. If you are not represented by an attorney and would like legal assistance, please contact the [Adams County Bar Association or Indiana Legal Services](#).