

# NOTICE OF CLAIM

Plaintiff  
Address  
City, State, Zip  
Telephone

SMALL CLAIM  
ADAMS SUPERIOR COURT  
122 SOUTH 3RD STREET  
DECATUR, IN 46733-1676  
TELEPHONE: (260) 724-5347

**AGAINST**

Case number: \_\_\_\_\_

Defendant  
Address  
City, State and Zip  
Telephone

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

**THE COURT HAS SET THE FIRST HEARING DATE FOR THIS LAWSUIT FOR THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT \_\_\_\_\_ .M. AT ADAMS SUPERIOR COURT, 122 SOUTH THIRD STREET, DECATUR, INDIANA 46733. A TRIAL DATE WILL BE SCHEDULED AT THE FIRST HEARING DATE IF THE PARTIES CANNOT RESOLVE THIS CLAIM.**

The Plaintiff's claim is based on: \_\_\_\_\_ Written contract \_\_\_\_\_ Account or note \_\_\_\_\_ Other  
(copy attached) (copy attached)

A brief statement of the matter of the Plaintiff's claim is as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Plaintiff demands judgment against the Defendant for \$\_\_\_\_\_ plus Court costs in the sum of \$\_\_\_\_\_ for a TOTAL of \$\_\_\_\_\_.

Plaintiff does \_\_\_ does not \_\_\_ demand interest at 8% on judgment.

\_\_\_\_\_  
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>