

SMALL CLAIMS COMPLAINT

HAMILTON SUPERIOR COURT 5
One Hamilton County Square, Suite 297
Noblesville, Indiana 46060-2231
Telephone: (317) 776-8260
website: www.hamiltoncounty.in.gov

CAUSE NO. 29D05-_____ -SC-_____

Plaintiff requests service by:
____ Sheriff of _____ County
____ Certified mail

Plaintiff 1 _____

Defendant 1 _____

Plaintiff 2 _____

vs. Address line 1 _____

Address line 1 _____

Address line 2 _____

Address line 2 _____

City _____ State _____ Zip _____

City _____ State _____ Zip _____

Telephone (_____) _____

Telephone (_____) _____

E-mail _____

E-mail _____

and

If Plaintiff is represented by an attorney:

Attorney _____

Defendant 2 _____

Attorney number _____

Address line 1 _____

Address line 1 _____

Address line 2 _____

Address line 2 _____

City _____ State _____ Zip _____

City _____ State _____ Zip _____

Telephone (_____) _____

Telephone (_____) _____

E-mail _____

E-mail: _____

CLERK'S NOTICE OF CLAIM TO DEFENDANT

You (the Defendant) have been sued by the Plaintiff whose name appears above. You must appear in Hamilton Superior Court 5 in person or by your attorney on _____ for a first hearing. The Court may enter a default judgment against you if you fail to appear. The Plaintiff's claim is for: Note, Contract, or Account (copy attached) Other _____

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

The Plaintiff demands judgment against the Defendant for \$ _____, plus interest from the date of _____, 20_____, at the rate of _____%, and the court costs of this action.

Date: _____

Plaintiff's or attorney's signature
(attorney must sign if an attorney is representing Plaintiff)

(See important information 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 Litigant's Handbook is available at the offices of the Clerk or Court (or at the website at www.state.in.us/hcc/) for each party's benefit. The Plaintiff and Defendant should bring to trial all documents in their possession or under their control concerning this claim. Time does not permit trials in every case set for first hearing. Therefore, trials will be held as needed in eviction cases and such other cases where both parties are prepared for trial and time allows.
2. A default judgment may be entered against the Defendant if he or she fails to appear for a first hearing or any trial date, and if the Plaintiff fails to appear, the case will be dismissed (but may be refiled once more).
3. If the Defendant does not wish to dispute the Plaintiff's claim, the Defendant still may wish to appear to allow the Court to establish the method for paying the judgment.
4. Any request for a continuance of a first hearing or any trial date by either party should be filed with the Court at least five days before the hearing date. Forms for requesting a continuance are available at the Court's office or on the website. The party requesting a continuance must contact the other party regarding the request.
5. Any counterclaim against the Plaintiff must be filed with the Clerk in time to be mailed to and received by the Plaintiff at least seven calendar days before the trial. Forms are available for this purpose.
6. If a settlement of this claim is made out of Court, it should be in writing and signed by the Plaintiff and Defendant. Settlement forms may be obtained from the Court or from the website. The settlement shall be filed with the Court and will be entered in the Small Claims Docket and shall have the same effect as a judgment of the Court.
7. The filing of a Small Claim waives the Plaintiff's right to trial by jury. The Defendant may, no later than 10 days following service of the Notice of Claim, make a demand for a trial by jury in writing, in accordance with Indiana Code 33-29-2-7. If a jury trial request has been granted, it may not be withdrawn without consent of both parties. Both parties should then obtain attorneys. The Defendant must pay a \$70 fee at the Clerk's Office within 10 days after the jury request has been granted; otherwise, the Defendant gives up the right to a jury trial.
8. Any exhibits you may offer at trial will be retained by the court for no less than 45 days and no more than four months after any hearing that results in a judgment. You may make arrangements to pick up your evidence with the court reporter any time beyond the 45 days after judgment has been entered. If an appeal is filed, those exhibits will permanently remain with the court. You will receive no further notices regarding your evidence.

SHERIFF'S RETURN OF NOTICE OF CLAIM

I hereby certify that on the below date:

____ I served this Notice of Claim by delivering a copy to the Defendant.

____ I served this Notice of Claim by leaving a copy:

____ at the dwelling or usual place of abode of Defendant;

____ with a person of suitable age and discretion residing therein, namely _____;

____ and by mailing a copy of the Notice of Claim to the Defendant, by first class mail, to the address listed on the Notice of Claim (date copy mailed if different from below: _____, 200____).

____ I was unable to serve this Notice of Claim because _____
_____.

Dated: _____

Sheriff of Hamilton/_____ County

By: _____