

IN THE DELAWARE CIRCUIT COURT NO. ____ SMALL CLAIMS DIVISION
DELAWARE COUNTY JUSTICE CENTER
3100 S. TILLOTSON AVE., MUNCIE, IN 47302

CAUSE NO. 18C0__ - _____

NOTICE OF CLAIM

Your Name _____

Plaintiff(s)

Your Address _____

Address

City/State/Zip

Your Phone Number _____

Telephone No.

AGAINST

Person You Filed Against _____

Defendant #1

Their Address _____

Address

City/State/Zip

Their Phone Number (if available) _____

Telephone No.

Defendant #2

Address

City/State/Zip

Telephone No.

YOU ARE NOTIFIED THAT THE PLAINTIFF(S) HAS FILED A SMALL CLAIMS LAWSUIT AGAINST YOU IN THE AMOUNT OF \$ amount owed/requested, TOGETHER WITH COURT COSTS IN THE AMOUNT OF \$ filing fee. A BRIEF STATEMENT OF THE PLAINTIFF'S CLAIM FOLLOWS:

Signature: your signature Printed Name Your Name

YOU ARE ADVISED THAT THE ABOVE CLAIM IS SCHEDULED FOR INITIAL TRIAL ON THE ____ DAY OF _____, 201__ AT _____.M. IN THE DELAWARE CIRCUIT COURT NO. ____ AT THE ABOVE-LISTED ADDRESS. (**See Additional Information Regarding the Initial Trial on the Reverse Side of this Form)

Dated: _____

Clerk: _____

THE FOLLOWING MANNER OF SERVICE IS HEREBY DESIGNATED:

As to Defendant #1:

Certified mail: _____

Personal service: _____

As to Defendant #2

Certified mail: _____

Personal service: _____

Additional Defendants:

Certified mail: _____

Personal mail: _____

IT IS IMPORTANT THAT YOU READ THE REVERSE SIDE OF THIS FORM
PRIOR TO RESPONDING TO THIS CLAIM

IMPORTANT INFORMATION ABOUT THIS CLAIM

- 1. EFFECTIVE JULY 1, 2021, THE MAXIMUM AMOUNT THAT CAN BE CLAIMED UNDER A SMALL CLAIMS LAWSUIT IS \$10,000.00. IF THE DEFENDANT WISHES TO FILE A COUNTERCLAIM WHICH ARISES OUT OF THE SAME TRANSACTION AS THIS CLAIM, THIS MUST BE FILED WITH THE CLERK OF THE COURT 10 DAYS PRIOR TO THE INITIAL TRIAL DATE. IF A COUNTERCLAIM IS FILED, THE INITIAL DATE WILL BE VACATED AND A BENCH TRIAL WILL BE SET.**
- 2. THE PARTIES MAY APPEAR EITHER IN PERSON OR BY AN ATTORNEY. IT IS NOT MANDATORY THAT EITHER PARTY BE REPRESENTED BY AN ATTORNEY EXCEPT CORPORATIONS IN CERTAIN CASES. EFFECTIVE JANUARY 1, 2022, CORPORATIONS MUST APPEAR BY COUNSEL, OR IN UNASSIGNED CLAIMS NOT EXCEEDING SIX THOUSAND DOLLARS (\$6,000.00), BY FULL TIME EMPLOYEE OF THE CORPORATION DESIGNATED BY THE BOARD OF DIRECTORS. BEFORE A DESIGNATED EMPLOYEE IS ALLOWED TO APPEAR, THE CORPORATION MUST HAVE ON FILE WITH THE COURT A CERTIFICATE OF COMPLIANCE WITH PROVISIONS OF SMALL CLAIMS RULE 8 (C).**
- 3. THE PURPOSE OF THE INITIAL TRIAL IS TO ALLOW YOU TO ADMIT OR DENY THE CLAIM OF PLAINTIFF. IF YOU DO NOT INTEND TO DISPUTE THE CLAIM, YOU MAY CHOOSE NOT TO APPEAR FOR THE INITIAL TRIAL; HOWEVER, FAILURE TO APPEAR WILL LIKELY RESULT IN JUDGMENT BEING ENTERED AGAINST YOU IN THE AMOUNT DEMANDED BY THE PLAINTIFF'S CLAIM. IN THE EVENT YOU DENY THIS CLAIM, YOU MAY REQUEST A BENCH TRIAL DATE BY TELEPHONE PRIOR TO THE INITIAL DATE BY CALLING THE COURT DIRECTLY. AT THE TIME OF BENCH TRIAL, YOU MUST BRING WITH YOU THE WITNESSES TESTIFYING ON YOUR BEHALF AS WELL AS ANY RELEVANT DOCUMENTS. CONTACT WITH THE COURT MAY BE MADE AS FOLLOWS: FROM 8:30 A.M. TO 12:00 P.M. AND 1:00 P.M. TO 4:00 P.M. CIRCUIT COURT NO. 4 - 765-747-7770, CIRCUIT COURT NO. 5 - 765-747-7772.**
- 4. IF A SETTLEMENT OF THIS CLAIM IS MADE OUT OF COURT, THE PARTIES MUST SUBMIT AN AGREED JUDGMENT OR A MOTION TO DISMISS.**
- 5. THE DEFENDANT MAY REQUEST A TRIAL BY JURY; HOWEVER, THE RIGHT TO A JURY TRIAL WILL BE WAIVED BY THE DEFENDANT UNLESS A JURY TRIAL IS REQUESTED WITHIN 10 DAYS AFTER RECEIPT OF THIS NOTICE OF CLAIM. DEFENDANTS WHO WANT TO HAVE A JURY TRIAL ARE ADVISED TO CONTACT AN ATTORNEY. (SEE INDIANA CODE 33-5-2-7)**
- 6. INFORMATION CONCERNING SMALL CLAIMS PROCEDURES IS AVAILABLE THROUGH THE WEBSITE MAINTAINED BY THE DELAWARE COUNTY CLERK. THE WEBSITE ADDRESS IS: www.co.delaware.in.us/clerk. IN ADDITION TO THE WEBSITE, OUR COURT AND CLERK PERSONNEL WILL ANSWER PROCEDURAL QUESTIONS FOR YOU BY PHONE OR IN PERSON. PLEASE BE ADVISED THAT ONLY LICENSED ATTORNEYS MAY DISPENSE LEGAL ADVICE.**
- 7. IF YOU HAVE APPEARED FOR A TRIAL AND NO ONE HAS CALLED YOUR NAME WITHIN ONE HOUR OF THE SCHEDULED TIME, CHECK WITH A DEPUTY CLERK AT THE FRONT WINDOW CONCERNING THE STATUS OF YOUR CASE. LEAVING THE PREMISES WITHOUT CHECKING WITH COURT PERSONNEL COULD RESULT IN DEFAULT.**

RETURN OF SUMMONS BY SHERIFF: