

SMALL CLAIMS COMPLAINT

Delaware County Small Claims Division

Delaware County Circuit Court No. _____

Case Number: 18C0_____

Plaintiff requests service by: Sheriff of _____ County

Certified Mail

Clerks telephone number 765-747-7857

Plaintiff	Defendant 1
Plaintiff 2	Address
Address	Address
Address	City
City	State Zip
State Zip	Telephone
Telephone	Email
Email	

If Plaintiff is represented by an attorney:

Attorney	Defendant 2
Attorney number	Address
Address	Address
Address	City
City	State Zip
State Zip	Telephone
Telephone	Email
Email	

The Plaintiff(s) ask(s) the court to enter a judgment against the Defendant(s) for \$_____ plus court costs and to issue an order for eviction because Defendant rented the property located at:

(if there is a written rental agreement/lease it is attached) and
rent is past due in the amount of \$ _____; and or
the rental agreement/lease was violated as follows

Date: _____

Plaintiff or Plaintiff's attorney signature

CLERK'S NOTICE OF CLAIM FOR POSSESSION, RENT DUE AND DAMAGES

You (the defendant) have been sued by the Plaintiff. You must go to a court hearing on the following day(s) and time(s):

1. You must appear for an immediate possession (eviction) hearing on:
Date: _____ Time: _____
Location: 3100 S. Tillotson Ave., Muncie, IN 47302
2. A trial on damages and money owed may be scheduled following the immediate possession (eviction) hearing.

You have a right to a jury trial. To demand a jury trial, a person must file a written request to the court within ten (10) days of receiving this notice. If the request for a jury trial is granted, you must pay the fee within ten (10) days. If you do not make a request or do not pay the fee on time, you no longer have a right to a jury trial. If the court grants a jury trial, it cannot be withdrawn unless the other party agrees.

Clerk

IMPORTANT INFORMATION ABOUT THIS CLAIM

1. Delaware County/State of Indiana have free Landlord/Tenant Settlement Programs. Landlords and Tenants can request to use the settlement programs.
Delaware County's program - <https://delawarecocourts.com/eviction-mediation/> ;
State's program - <https://www.in.gov/courts/selfservice/facilitate/> or contact the Court Administrator's Office at 765-747-7734 for more information regarding these programs.
If a settlement is made out of court, it should be in writing and signed by the Plaintiff and Defendant. The written settlement needs to be given to the court and it will have the same effect as a judgment given by the court.
2. Effective July 1, 2021, the maximum amount that can be claimed under a small claims lawsuit is Ten Thousand Dollars (\$10,000.00).
3. You can represent yourself in court, or you can have an attorney represent you.
4. 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. The corporate entity, sole proprietorship, partnership, LLC, or LLP must file a certificate of compliance and affidavit in each case as required by S.C. 8(C). The 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.
5. A small claims manual and court rules can be found at <https://delawarecocourts.com/documents/>. The clerk/court personnel will answer procedural questions for you. Please be advised that only licensed attorneys can provide legal advice.
6. The purpose of the initial hearing is to allow the Defendant to admit or deny the claim. In the event the Defendant denies the claim, the Defendant may request a bench trial date by telephone prior to the initial hearing date by calling the court directly. Contact the court at the following numbers; Circuit 4 – 765-747-7770; Circuit 5 – 765-747-7772.
7. Bring all documents and witnesses that you want the court to see to the hearing with you.
8. If a settlement of this claim is made out of court, the parties must submit an agreed judgment or a motion to dismiss.
9. If the Defendant does not show up for a court date, a decision may be made against them (default judgment). If a Petitioner does not show up, the case may be dismissed. However, the Petitioner may be able to file it again.
10. Even if a Defendant agrees that what the Petitioner has said is true, a Defendant may still want to show up for hearing to help decide on how payment will be made.
11. If you cannot go to court on a hearing date you will need to ask the court for a new date by filing a Motion to Continue. You should file this *as soon as possible*. The court may or may not grant the motion.
12. If the Defendant has a claim against the Plaintiff, the Defendant may want to file a counterclaim. It has to be filed with the court early enough so that the Plaintiff receives it at least seven (7) days before the trial on damages and money owed.
13. If you appear for a hearing and your name has not been called within one (1) hour of the scheduled time, check with the Clerk's office concerning the status of your case. Leaving the premises without checking with court/clerk personnel could result in default.

RETURN OF SUMMONS BY SHERRIF AND/OR CERTIFIED MAIL: