

APPEARANCE BY A SELF-REPRESENTED LITIGANT IN A CIVIL CASE
(Not For Use in a Protective Order (PO) Case)

STATE OF INDIANA
DELAWARE COUNTY

SS:

IN THE DELAWARE CIRCUIT
COURT NO. _____

_____,
Petitioner/Plaintiff,

CAUSE NO. 18C0_____

v.

_____,
Respondent/Defendant.

1. My Name: _____

2. My Address: _____

3. My telephone number: _____

4. My fax number: _____

5. My e-mail address: _____

6. I will accept service from other parties by:

FAX at the above noted number: Yes _____ No _____

Email at the above noted address: Yes _____ No _____

7. This case involves child support issues: Yes _____ No _____

*(If yes, supply Social Security Numbers for all family members on a separately
Attached document filed as confidential information on **light green paper**.
Use Form TCM-TR3.1-4.)*

8. There are related cases: Yes _____ No _____
(If yes, list in the space following #8.)

9. You MUST serve this Form and any other pleadings or documents you are filing or will file in this case on all other attorneys (or the other parties, if they are not represented by an attorney.) This form has been served on all other parties and Certificate of Service is attached:

Yes _____ No _____

Your Signature

Your Printed Name

CERTIFICATE OF SERVICE

I certify that on the _____ day of _____, 20____, I served copy of the foregoing Appearance on _____ [here insert Name of Person Served] at the following address: _____, by the following method of service: _____ [please specify as U.S. Mail, personal service, fax, email, etc.]

Your Signature

IN THE DELAWARE CIRCUIT COURT NO. ____ SMALL CLAIMS DIVISION
DELAWARE COUNTY JUSTICE CENTER
100 W. WASHINGTON ST., MUNCIE, IN 47305

CAUSE NO. 18C0__ - _____

NOTICE OF CLAIM

Plaintiff(s)

Address

City/State/Zip

Telephone No. & email
AGAINST

Defendant #1

Address

City/State/Zip

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 \$ _____, TOGETHER WITH COURT COSTS IN THE AMOUNT OF \$ _____. A BRIEF STATEMENT OF THE PLAINTIFF'S CLAIM FOLLOWS:

Signature: _____ Printed 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:	As to Defendant #2	Additional Defendants:
Certified mail: _____	Certified mail: _____	Certified mail: _____
Personal service: _____	Personal service: _____	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, 2005, THE MAXIMUM AMOUNT THAT CAN BE CLAIMED UNDER A SMALL CLAIMS LAWSUIT IS \$6,000.00. 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. CORPORATIONS MUST APPEAR BY COUNSEL, OR IN UNASSIGNED CLAIMS NOT EXCEEDING FIFTEEN HUNDRED DOLLARS (\$1,500.00), 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 OR THE CLERK 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. - 12 NOON/1:30 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:

AFFIDAVIT OF DEBT

Comes now affiant, and states:

I _____ am Plaintiff
(Name of Affiant) OR

a designated full-time employee of _____ (Plaintiff).
(Name of Plaintiff)

I am of adult age and am fully authorized by Plaintiff to make the following representations. I am familiar with the record keeping practices of Plaintiff. The following representations are true according to documents kept in the normal course of Plaintiff's business and/or my personal knowledge:

Plaintiff:

is the original owner of this debt.

OR

has obtained this debt from _____ and the original owner of this debt was _____.

_____, Defendant, has an unpaid balance of \$ _____ on account _____.
(Name of Defendant) (last 4 digits of number or id only)

That amount is due and owing to Plaintiff. This account was opened on _____. The last payment from Defendant was received on _____ in the amount of \$ _____.

The type of account is:

Credit card account (i.e. Visa, Mastercard, Department Store, etc.)

List the name of the Company/Store issuing credit card: _____

Account for utilities (i.e. telephone, electric, sewer, etc.)

Medical bill account (i.e. doctor, dentist, hospital, etc.)

Account for services (i.e. attorney fees, mechanic fees, etc.)

Judgment issued by a court (a copy of the judgment is required to be attached)

Other: (Please explain) _____

This account balance includes:

Late fees in the amount of \$ _____ as of _____.
(Month, Day, Year)

Other (Explain _____)

Interest at a rate of _____ % beginning on _____.
(Month, Day, Year)

Plaintiff:

is seeking attorney's fees and additional evidence will be presented to the court prior to entry of judgment on attorney's fees.

OR

is not seeking attorney's fees.

Plaintiff believes that defendant is not a minor or an incompetent individual.

If the defendant is an individual, plaintiff states and declares that:

Defendant is not on active military service. Plaintiff's statement that Defendant is not on active military service is based upon the following facts:

_____.

OR

Plaintiff is unable to determine whether or not Defendant is not on active military service military service.

("Active military service" includes fulltime duty in the military (including the National Guard and reserves) and, for members of the National Guard, service under a call to active service authorized by the President or Secretary of Defense. For further information, see the definition of "military service" in the Servicemembers Civil Relief Act, as amended, 50 U.S.C.A. Appx. § 521.)

I swear or affirm under the penalties of perjury that the foregoing representations are true.

Dated: _____ Signature of Affiant: _____