
Name

Address

Plaintiff

Telephone (____) _____

VS

Name

Address

Defendant

Telephone (____) _____

FAYETTE SUPERIOR COURT / 765-825-1775
Fayette County Courthouse
401 Central Avenue
Clerk: P O Box 607 / 765-825-1813
Connersville, IN 47331

CASE NO.

NOTICE OF SMALL CLAIM

TO THE DEFENDANT(S):

You have been sued by the Plaintiff whose name appears above.

A PRE-TRIAL CONFERENCE DATE IS: _____ AT 1:30 P.M. at which time you must meet with the Plaintiff to discuss the possible settlement of the claim. If you cannot reach an agreement the case will be set for a trial. If you were served with this Notice of Small Claim and fail to appear at the pre-trial conference OR the trial date, the Plaintiff may be given a Default Judgment against you.

The Plaintiff's claim is for: CONTRACT OR ACCOUNT ON NOTE / RENT / WAGES

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 _____ at the rate of 8%, and the costs of this action.

Signature of Plaintiff

IMPORTANT INFORMATION FOR THE DEFENDANT CONCERNING THE CLAIM

- 1) You may appear with or without an attorney.
- 2) At the hearing, simply tell your side of the story. There are no technical or formal rules to follow. The Judge may ask questions of you or the Plaintiff.
- 3) Be prepared to defend your case in court with any evidence or witnesses you have. You should bring to the hearing all documents in your possession or control concerning this claim. Subpoenas can be issued by the Court for reluctant witnesses.

- 4) If you do not wish to dispute this claim, you may appear for the purpose of allowing the court to establish the method by which the claim shall be paid.
- 5) If you have a claim for money against the Plaintiff, arising out of the same transaction or occurrence you may file a counter claim with the County Clerk. If the amount of your counter claim exceeds \$ 6,000.00, you give up your right to the excess over that amount by filing your counter claim in the Small Claims Division. Both the Plaintiff's claim and your counter claim will be heard at the same hearing. However, if you wish to file a counter claim larger than \$ 6,000.00 all formal and technical rules apply and for this reason, it is advisable that you contact an attorney.
- 6) You have a right to a jury trial, but such right is waived unless a jury trial is requested within ten (10) days after receipt of the Notice of Small Claim; that once 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, the party requesting the jury trial shall pay the Clerk the fee required by statute to transfer the claim to the plenary docket. The case will then be tried according to formal rules of procedure and evidence and it would therefore be advisable for you to contact an attorney.
- 7) IMPORTANT: Advise the court of any change in your address or phone number which occurs after you receive notice.
- 8) You will be notified of the court's ruling in your case either immediately after trial or within ninety (90) days after the hearing.
- 9) The decision of the court may be appealed to the Indiana Court of Appeals, you will be unable to appeal unless you notify an attorney in time to allow him/her to take action within thirty (30) days after judgment is entered. For this reason you should contact an attorney not later than seven (7) days after judgment.
- 10) If you have questions about the procedures you must follow, ask the Clerk for assistance. If you need legal advice you must consult an attorney as neither the Judge nor the Clerk can help you in that respect.

RETURN OF NOTICE OF CLAIM

This Notice of Claim came to hand on _____, and I served the same on _____, by:

- 1) Delivering a copy of Notice of Claim personally to _____ at _____
- 2) Leaving a copy of the Notice of Claim at _____ the dwelling or usual place of above defendant(s).
- 3) By serving his/her agent as provided by rule, statute or valid agreement, namely: _____
- 4) Defendant cannot be found in my bailiwick and Notice of Claim was not served, and I now return this writ on _____

_____, Sheriff of _____ County

Dated: _____

By: _____, Deputy

SERVICE ACKNOWLEDGED

A copy of the within summons and a copy of the petition attached thereto were received by me at the Fayette County Clerk's Office OR at _____
 _____ on _____.

 Signature of Defendant