

Plaintiff _____
 Street & Number _____
 City & Zip Code _____
 Telephone Number _____
 Email _____

Against

Name _____
 Name _____
 Street & Number _____
 City & Zip Code _____
 Telephone Number _____
 Email _____

SMALL CLAIM

LaPorte Superior
 Court No. 4
 Superior Courthouse
 300 WASHINGTON ST
 Michigan City, Indiana 46360-7467
 Telephone:
 Clerk's Office 874-5611 Ext. 7737 or 7738
 The Honorable Greta Stirling Friedman
 Presiding

CAUSE NO. 46D04 - _____

NOTICE OF EVICTION

Accounts or Note -- Attached

Other _____

_____ Plaintiff asks
 judgment against defendant for \$ _____ and costs of this proceeding.

 Plaintiff

NOTICE TO APPEAR

To: (1) _____ Defendant	(2) _____ Defendant
_____ Street & Number	_____ Street & Number
_____ City & Zip Code	_____ City & Zip Code

You must appear for hearing on the EVICTION in the Superior Court No. 4, Michigan City, Indiana on the ____ day of _____, 20____, at _____ a.m. / p.m. to show cause why the real estate should not be taken from you and the Plaintiff put in possession thereof.

It is **very important** that you carefully read the instructions to Defendant which are on the back of this Notice of Claim and Notice to Appear.

HEATHER STEVENS, Clerk

By: _____
 Deputy Clerk, Small Claims Division

(Over)

TO THE DEFENDANT

1. If you do not wish to dispute this claim, you may nonetheless appear for the purpose of allowing the Court to establish the method by which judgment shall be paid. Should you fail to appear for hearing, default judgment may be entered against you in your absence.
2. If you have a claim for money against the plaintiff arising out of the same transaction or occurrence, you may file a counterclaim with the Court. If the amount of your counterclaim exceeds \$10,000, you give up the right to the excess over that amount by filing your counterclaim in the Small Claims Division. Both the plaintiff's claim and your counterclaim will be heard at the same trial. However, if you wish to file a counterclaim larger than \$10,000 all formal and technical rules will apply and, for that reason, it is advisable that you contact an attorney. Counterclaims must be filed with the Court and a copy provided the plaintiff in writing at least seven (7) days before trial.
3. It is not required that you hire an attorney to represent you; however you may do so if you wish. Sole proprietorships, partnerships, corporations, limited liability corporations and all other corporate entities must be represented by an attorney if a claim for or against the entity exceeds \$1,500.00.
4. You may request a jury trial within ten (10) days following receipt of this notice of claim. Your request must be made by affidavit stating that there are questions of fact requiring a trial by jury, and that your request is intended in good faith. You will be required to pay a fee of \$70.00 to transfer the case to the regular docket of the Court. 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.
5. The notice to Appear tells you the time and date of your court date. Be there. Judgment by default may be entered against you if you do not appear at that time. This means that the plaintiff may be given whatever he requested in his complaint. If you cannot appear in court on that date, notify the Court in writing at least seven (7) days in advance and, if there is a valid reason, the Court will reschedule the hearing date. Remember, however, that you must appear at the Court date, or judgment by default may be entered against you.
6. When your case comes to trial, be prepared to defend your case in court with any evidence or witnesses you may have. Cell phones are not permitted in the courthouse. All evidence on cell phones must be downloaded or printed prior to coming to Court. All evidence must be presented at the time of trial. No evidence can be released back to you until 30 days after the Court enters a judgment in the case.
7. At the trial, simply tell your side of the story. There are no technical or formal rules to follow. The Judge may ask questions of you and the plaintiff. Bring all documents concerning this claim with you.
8. 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. If you feel your case has not been decided in a legal manner and wish to appeal, you must contact an attorney as soon as possible.
9. If you have a question about the procedure you must follow or any other matter relating to your case, ask the Clerk for assistance. If you need legal advice, you must contact an attorney, as neither the Judge nor the Clerk can provide legal advice.
10. Advise the Court of any change in your address or telephone number which occurs after you receive the Notice of Claim.

Plaintiff _____
 Street & Number _____
 City & Zip Code _____
 Telephone Number _____
 Email _____

Against

Name _____
 Name _____
 Street & Number _____
 City & Zip Code _____
 Telephone Number _____
 Email _____

SMALL CLAIM

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 The Honorable Greta Stirling Friedman
 Presiding

CAUSE NO. 46D04 - _____

NOTICE OF CLAIM

Accounts or Note – Attached _____ Wages _____
 Other _____

Plaintiff asks judgment against defendant for \$ _____ and costs of this proceeding.

 Plaintiff

NOTICE TO APPEAR

To: (1) _____ Defendant	(2) _____ Defendant
_____ Street & Number	_____ Street & Number
_____ City & Zip Code	_____ City & Zip Code

You must appear in the Superior Court No. 4, Michigan City, Indiana on the ____ day of _____, 20____,
 at _____ a.m. / p.m. to **ADMIT OR DENY THE ABOVE CLAIM.**

1. **IF YOU FAIL TO APPEAR, A DEFAULT JUDGMENT WILL BE ENTERED AGAINST YOU.**
2. **IF YOU ADMIT THE CLAIM, AN AGREED JUDGMENT CAN BE ENTERED WITH THE COURT.**
3. **IF YOU DENY THE CLAIM, A TRIAL WILL BE SCHEDULED FOR A LATER DATE.**

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HEATHER STEVENS, Clerk

By: _____

Deputy Clerk, Small Claims Division

(Over)

TO THE DEFENDANT

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AFFIDAVIT OF DEBT

Comes now affiant and states:

I, _____, Plaintiff
(Name of Affiant)

OR

A designated full-time employee 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, and evidence of the debt, as required in Rules 2(B)(4)(a) and (b), is attached as one or more Exhibits to this Affidavit.

OR

____ has obtained this debt from _____ and the original owner of this debt was _____. Evidence of the debt, as required in Rule 2(B)(4)(c), is attached as one or more Exhibits to this Affidavit.

____ (Name of Defendant), has an unpaid balance of \$ _____ on account _____ (last 4 digits of account number)

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.)

____ 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 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.

(“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, 500 U.S.C.A. Appx. Sec 521.)

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

Dated: _____ Signature of Affiant: _____