

Plaintiff

Street & Numbers

City & Zip Code

Telephone Number

Against

Name

Name

Street & Number

City & Zip Code

Telephone Number

SMALL CLAIM

LaPorte Superior Court No. 3
813 Lincolnway, Suite 203
LaPorte, Indiana 46350
Telephone (219) 326-6808
Ext. 2086

The Honorable JEFFREY L. THORNE,
Presiding

Cause No. 46DO3

NOTICE OF CLAIM

Accounts or Note – Attached

Other

Plaintiff asks

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

Plaintiff

NOTICE TO APPEAR

To:

(1)

Defendant

Street & Number

City & Zip Code

(2)

Defendant

Street & Number

City & Zip Code

You must appear in the LaPorte Superior Court No. 3, LaPorte, 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.

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 counter-claim with the Court. If the amount of your counter-claim exceeds \$10,000.00, you give up the 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 trial. However, if you wish to file a counter-claim larger than \$10,000.00, all formal and technical rules will apply and, for that reason, it is advisable that you contact an attorney. Counter-claims 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 \$6,000.00. It is required that any claim filed that governs who may represent the parties, the designated employee or trustee must file, in each case, a Certificate of Compliance and Affidavit as required by S.C. 8(C).
4. 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. You may request a bench 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, 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.
6. 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.
7. 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.
8. 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.
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. 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.
10. 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 any attorney,** as neither the Judge nor the Clerk can provide legal advice.
11. Advise the Court of any change in your address or telephone number which occurs after you receive the Notice of Claim.