

\_\_\_\_\_  
Plaintiff

\_\_\_\_\_  
Street & Number

\_\_\_\_\_  
City & Zip Code

\_\_\_\_\_  
Telephone Number / Email Address

## SMALL CLAIM

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

The Honorable JEFFREY L. THORNE  
Presiding

**VS.**

Cause No. 46D03-\_\_\_\_\_-\_\_\_\_\_-\_\_\_\_\_

\_\_\_\_\_  
Name(s)

\_\_\_\_\_  
Street & Number

\_\_\_\_\_  
City & Zip Code

\_\_\_\_\_  
Telephone Number / Email Address

### **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 La Porte Superior 3 Court, In La Porte, IN on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ (CST) 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.
4. If you are unable to appear you should advise Sharon Krachinski @ 813 Lincolnway, Suite 203, LP, IN (219) 326-6808 ext 2261

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

## 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 possession shall be accomplished. Should you fail to appear for the 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 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 Damages Hearing. 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 the Damages Hearing.
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 represents for failure to comply with these rules or local rules of Court. Sanctions may include assessments 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 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, 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 accordingly to formal rules of procedure and evidence, and it would be advisable for you to contact an attorney.
6. When your case comes to Damages Hearing, 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 thirty (30) days after Court enters a judgment in the case.
7. You must provide three (3) copies of any documentary evidence you wish to introduce. One (1) copy for the Court, one (1) copy for opposing party and one (1) copy for yourself. Failure to provide three (3) copies of any documentary evidence will prohibit its admission into evidence.
8. At the Damages Hearing, 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 three (3) copies of 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 / email or telephone number which occurs after you receive the Notice of Claim.