

STATE OF INDIANA)
)SS:
COUNTY OF SHELBY)

SHELBY SUPERIOR COURT II

CAUSE NO. 73D02-_____

Plaintiff Name _____

Defendant _____ (et al)

Address _____

Address _____

Address _____

Address _____

City State Zip _____

City State Zip _____

Telephone _____

Telephone _____

Email _____

Email _____

NOTICE of CLAIM, SUMMONS to APPEAR, and NOTICE OF TRIAL

You (the Defendant) are being sued by the Plaintiff whose name appears above. Plaintiff's Claim is for \$ _____ dollars plus court costs \$ _____ for:

Eviction

Back Rent

Goods

Services

Breach of Contract

Damages

Bad Check

Money Loaned

Vehicle Title

Other _____

A brief statement of the nature of the Plaintiff's claim against you is as follows:

Trial for the lawsuit is scheduled for _____ at _____ o'clock in Shelby County Superior Court 2, 407 S. Harrison Street, Shelbyville, IN 46176. If you fail to appear in person or by an attorney the Court may enter a default judgment against you.

Dated _____

Plaintiff Signature

(See important information on reverse side)

Manner of Service per Indiana Trial Rule 4 et seq.

Certified or Registered Mail by Plaintiff

Service by Sheriff of _____ County (\$28 fee)

Service by Plaintiff or Plaintiff's Agent

You may contact the Plaintiff's attorney at:

(_____) _____

IMPORTANT INFORMATION CONCERNING THIS CLAIM

1. Each Defendant must be served properly under Indiana Rules of Trial Procedure 4-4.17 and 86 for the Court to have jurisdiction. Unless served by Sheriff, Plaintiff shall file a Return Notice of Claim with the court after attempting Service of Process for each Defendant. The court cannot proceed without proper service.
2. You don't have to have an attorney to file or respond to a small claim. Individual human beings can either hire an attorney or represent themselves in a small claim case regardless of the amount of the claim. However, when the claim exceeds \$6,000 corporate entities including LLCs or trusts must be represented by an attorney. If the claim is less than \$6,000 corporate entities including LLCs or trusts may be represented by a FULL-TIME EMPLOYEE as explained in paragraph 3. Sole proprietorships and partnerships may also be represented by a FULL-TIME EMPLOYEE when the claim does not exceed \$6,000. When the claim exceeds \$6,000 sole proprietorships and partnerships must be represented by either an attorney or the owner or partner.
3. A corporate entity, sole proprietorship, partnership, LLC, LLP or trust that wishes to designate an employee or trustee to represent it must file an executed certificate of compliance in each case appointing the person as its representative pursuant to Indiana Small Claim Rule 8(C). A sample certificate of compliance can be found on the Superior Court 2 website.
4. A court may sanction a designated employee or trustee and the entity represented by such designation 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. Plaintiff waives the right to trial by jury by filing a small claim. The Defendant may, within 10 days following service of the Notice of Claim, demand a trial by jury in writing, specifying that the demand is made in good faith, and supplying the affidavit required by Indiana Code 33-29-2-7. The Defendant must pay the difference in filing fees to the Clerk's office at the time of the jury request.
6. The Defendant must file any counterclaim with the Clerk in time to be mailed and received by the Plaintiff at least 7 calendar days before the trial date
7. A claim must be filed in the county where the transaction or occurrence took place, where the obligation was incurred, or where the defendant resides or has his/her place of employment.
8. Court costs must be paid in advance. The court may order a defendant to reimburse the Plaintiff for court costs.
9. This court cannot award more than \$10,000 in a small claims action.
10. All parties their representatives must complete and file an appearance form with the Clerk or Court.
11. Requests to continue the trial by either party must be received by the Court at least 2 business days before the trial date. Continuances are generally not favored and are not granted by telephone. Requests to continue can be mailed or delivered to Shelby Superior Court 2, 407 S. Harrison Street, Shelbyville IN 46176. The Courts' phone number is (317) 392-6340. The Court is closed from 12-1 pm on business days for lunch.
12. Bring to trial all documents, photos, etc that you wish to submit concerning this claim. Written lists of damages with written explanations are very helpful to the Court. The Court will not consider exhibits displayed solely on electronic devices. Printed documents and photos should be of good quality and organized. The Clerk will furnish subpoenas if requested
13. The Court will conduct a contested trial on the first trial setting so both parties should be prepared to go forward. Notify the Court at least two business days in advance if the trial will take more than 1/2 hour.
14. Be on time for trial. A claim may be dismissed or judgment may be entered against an absent party.
15. Parties may settle the case before trial, but they are not required to do so. If the case is settled before trial, Plaintiff shall either dismiss the case or file an Agreed Judgment with the Court. The Agreed Judgment must be signed by both the Plaintiff and the Defendant. The Court has Agreed Judgment forms to use. Even if a Defendant agrees to a judgment, he or she may appear in Court to establish a method by which the judgment may be paid.
16. An appeal must be initiated within 30 days of the entry of judgment. Appeals are complicated. An attorney should be consulted regarding an appeal.
17. A Small Claims Litigant's Handbook is available at www.co.shelby.in.us or at the court. Small claims rules can be found at http://www.in.gov/judiciary/rules/small_claims/. You can find information about your case at www.public.courts.in.gov or www.co.shelby.in.us.