



**NOTICE TO ALL PARTIES**

- The nature of the Plaintiff's claim against you and demand made is stated above.
- Both the Plaintiff and the Defendant should bring to the hearing all witnesses and all documents in their possession concerning this claim.
- You may represent yourself or hire an attorney.
- If the Defendant does not wish to dispute the claim of the Plaintiff, he/she may appear to agree to a judgment and for the purpose of allowing the court to establish a method by which the judgment shall be paid.
- If the Defendant cannot appear at the time and place set for trial; he/she shall write the Court at the above address requesting a trial setting at a future date. No continuance will be granted by telephone.
- If the Defendant fails to appear in Court at the time set for the trial, a default judgment may be entered against the Defendant.
- The Plaintiff waives a trial by jury by filing his/her claim in small claims court.
- The Defendant waives a trial by jury unless he/she requests a jury trial within ten (10) calendar days of the receipt of the Notice of Claim. Once the jury trial request has been granted, it may not be withdrawn without the consent of the other party or parties. Within ten (10) days after the jury trial request has been granted, the party requesting the jury trial shall pay the clerk the additional amount required by statute to transfer the claim to the plenary docket; otherwise, the party requesting a jury trial shall be deemed to have waived the request.
- Claims between landlord and tenants shall be in the township where the real estate is located.
- Corporations must be represented by an attorney if the claim is greater than \$1,500.00.

**CONSTABLES RETURN OF SERVICE OF NOTICE OF CLAIM:**

I certify that I have served this notice of claim on \_\_\_\_\_

1) By delivering notice of claim to the defendant, \_\_\_\_\_

2) By leaving a copy of the notice of claim at \_\_\_\_\_ which is the dwelling place or usual place of abode of \_\_\_\_\_ and by mailing a copy of the notice of claim to said defendant at such address.

3) Other service remarks: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Constable

STATE OF INDIANA, COUNTY OF MARION, §:  
WAYNE TOWNSHIP SMALL CLAIMS COURT OF MARION COUNTY

CAUSE NUMBER 49K08 \_\_\_\_\_ SC \_\_\_\_\_

\_\_\_\_\_  
PLAINTIFF

Vs

\_\_\_\_\_  
DEFENDANT

**ORDER SETTING HEARING**

The Plaintiff having filed their Complaint for Possession of a Chattel, the Court finds said matter should be set for hearing.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that this matter shall be heard on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at 8:30am. If you fail to appear, the matter will be heard in your absence.

You shall appear for the purposes of controverting this affidavit or to otherwise show cause why:

- 1) A pre-judgment order of possession should not issue; and
- 2) The property should not be delivered to Plaintiff.

You may

- 1) File affidavits on your behalf with the court;
- 2) Appear and present testimony on your behalf at the time of the hearing; and
- 3) File with the court a written undertaking to stay the delivery of the property.

If you fail to appear, Plaintiff may be granted possession.

\_\_\_\_\_  
DATE

COUNTY

\_\_\_\_\_  
JUDGE, WAYNE TOWNSHIP SMALL  
CLAIMS COURT OF MARION

Constable please serve:

Defendant Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

## AFFIDAVIT

Comes now \_\_\_\_\_ who being duly sworn upon his/her oath does state:

- 1) That I am the plaintiff/representative of plaintiff in this action.
- 2) That I am either the owner of the property listed in the Complaint for the Unlawful Detention of a Chattel or is lawfully entitled to the possession of said property because:

- 3) That the property was taken for a tax, assessment, or fine under a statute or seized under an order of execution or attachment.
- 4) That the property has been wrongfully taken and is unlawfully detained by the defendant.
- 5) That the property is described on the face of the Complaint is incorporated herein.
- 6) The estimated value of said property is as stated on the Complaint.
- 7) The property is currently located in \_\_\_\_\_ County, Indiana, at the address of \_\_\_\_\_, that I know the property to be at the above address because

I affirm under the penalty of perjury that the foregoing representations are true.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

**AFFIDAVIT FOR PRE-HEARING POSSESSION**

Comes now \_\_\_\_\_ who being duly sworn upon his/her oath does state:

- 1) That I am the plaintiff/representative of plaintiff in this action.
- 2) That I have personal knowledge of the matters stated herein.
- 3) That the property is: (check any that apply)
  - Perishable, and will perish before any Noticed hearing can be had;
  - In immediate danger of destruction, serious harm, concealment, removal from Indiana, or sale to an innocent purchaser; or
  - Held by a person who threatens to destroy, harm, or conceal the property, remove the property from Indiana, or sell the property to an innocent purchaser.
- 4) Or that,
  - Defendant gained possession of the property by theft or criminal conversion.
  - The property consists of one or more negotiable instruments or credit cards.

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

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

**STATE OF INDIANA, COUNTY OF MARION, §:  
WAYNE TOWNSHIP SMALL CLAIMS COURT OF MARION COUNTY**

CAUSE NUMBER 49K08 \_\_\_\_\_ SC \_\_\_\_\_

\_\_\_\_\_  
PLAINTIFF

Vs

\_\_\_\_\_  
DEFENDANT

**ORDER GRANTING PREHEARING POSSESSION**

The Plaintiff, having filed their Affidavit for Pre-hearing Possession, the Court finds said request should be GRANTED.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Plaintiff is entitled to immediate possession of property listed in the complaint, prior to the Hearing on said complaint.

Defendant/Third Party Defendant may apply to the Court for an order shortening the time until the Hearing.

\_\_\_\_\_  
DATE

COUNTY

\_\_\_\_\_  
JUDGE, WAYNE TOWNSHIP SMALL  
CLAIMS COURT OF MARION

Constable please serve:

Defendant / Name: \_\_\_\_\_  
Third Party Defendant

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Defendant / Name: \_\_\_\_\_  
Third Party Defendant

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

**Wayne Township Small Claims Court**  
**Judge Gerald B. Coleman**  
**Preparing your Small Claims Case for Trial**

- 1) Your opening statement should summarize the nature of your claim and the damages you have suffered because of injury, breach of contract, or whatever basis for your claim and why the other person is at fault.
- 2) Bring your evidence (Exhibits) to prove your case! This may be a written contract, Receipts, Letters, Estimates in writing, Repair Orders, Photographs, Canceled Checks, Account Books, Advertisements, Warranties, Service Contracts, or other documents.
- 3) Ask your witnesses to come to court. If a witness does not want to attend, you may request that the clerk issue a subpoena ordering the witness to appear.
- 4) Arrange your Exhibits in a clear understandable manner. Number all of your exhibits (1, 2, 3, etc.). If you are the defendant, use letters instead of numbers (a, b, c, etc.).
- 5) Bring two copies of all Exhibits that you intend to submit to the Court for your case, one copy for the court and one copy for the opposing party.
- 6) The Court cannot look at any evidence on your telephone, laptop or tablet so you must print out any evidence if you want the Court to consider it.**
- 7) Consider practicing your presentation in front of someone or a mirror. You can also come visit a small claims session to see how cases are conducted.

**This is your one opportunity to present your case. Make it count!**