

**NOTICE OF CLAIM FOR POSSESSION OF REAL ESTATE**

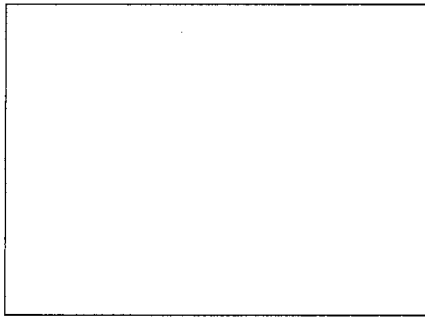
STATE OF INDIANA, COUNTY OF MARION, ss:

WAYNE TOWNSHIP OF MARION COUNTY

SMALL CLAIMS COURT  
5401 W. WASHINGTON STREET  
INDIANAPOLIS, INDIANA 46241  
Phone: 317-241-9573  
Fax: 317-248-7917

\_\_\_\_\_  
\_\_\_\_\_  
**Plaintiff: name, address & phone number**

**Vs.** \_\_\_\_\_  
\_\_\_\_\_



**CAUSE NO. 49K08** \_\_\_\_\_ **-SC-** \_\_\_\_\_

**Defendant: name, address & phone number**

The Plaintiff complains of the Defendant and says: That on \_\_\_\_\_ the Plaintiff rented to the Defendant the premises located at \_\_\_\_\_ in Marion County, Indiana at a rent of \$ \_\_\_\_\_ per week/month and that on \_\_\_\_\_ said tenancy expired by the terms thereof for the reason: \_\_\_\_\_. That ever since said date \_\_\_\_\_, the Plaintiff has been entitled to the possession of said premises. That the Defendant unlawfully hold over and detains possession of said premises from the Plaintiff to his damage in the sum of \$ \_\_\_\_\_, WHEREFORE, Plaintiff demands judgment for the possession of the premises and for said damages, court cost and other proper relief.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff

**\* AND ALL RENTS UP TO HEARING DATE**

- CONSTABLE SERVICE DESIGNATED**
- CERTIFIED MAIL DESIGNATED**

**TO ANY CONSTABLE OF THIS TOWNSHIP:** You are hereby commanded to summon Defendant(s) to appear before Me in court \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M. To answer the Plaintiff in a hearing on the Above claim and make due return of this Notice of Claim for Possession of Real Estate. **Set for Damage Hearing** on \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge

**CONSTABLES RETURN OF SERVICE OF NOTICE OF CLAIM FOR POSSESSION OF REAL ESTATE:**

- 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 the such address.
  - 3) Other service remarks: \_\_\_\_\_

**THIS IS AN ATTEMPT TO COLLECT A DEBT.  
ANY INFORMATION OBTAINED WILL BE  
USED FOR THAT PURPOSE**

\_\_\_\_\_  
Constable

**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 filing of a civil claim constitutes waiver of trial by jury by plaintiff.
- The Defendant waives a trial by jury also unless he/she requests a jury trial within ten (10) calendar days of the receipt of the Notice of Claim. Once a request for trial by jury is granted, a transfer fee for transfer to the Superior Court must be paid within ten (10) calendar days. If the fee is not paid, waiver of jury trial occurs. Once a request is made it cannot be withdrawn without the consent of the other party.
- The Defendant may within ten (10) days of service of the summons request a change of venue of this matter. Proper venue is determined by the court in the following order:
  - (1) In an action upon a debt or account, venue is in the township where any defendant has consented to venue in a writing signed by the Defendant.
  - (2) Venue is in the township where a transaction or occurrence giving rise to any part of the claim took place.
  - (3) Venue is in the township (in a county of the Small Claims Court) where the greater percentage of the individual defendants included in the complaint resides, or, if there is no such greater percentage, the place where any individual defendant so named resides, own real estate, or rents an apartment or real estate or where the principal office or place of business of any defendant is located.
  - (4) Venue is in the township where the claim was filed if there is no other township in the county in which the small claims court sits in which required venue lies.
- 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

\_\_\_\_\_, ) Cause No.: \_\_\_\_\_  
 Plaintiff, )  
 Vs )  
 )  
 \_\_\_\_\_, )  
 Defendant. )

**LANDLORD'S AFFIDAVIT FOR POSSESSION**  
**DUE TO NONPAYMENT OF RENT**

I, \_\_\_\_\_, swear or affirm under penalty of  
 (Print name)

perjury that the following statements are true and correct:

1. The Tenant/defendant \_\_\_\_\_ rented the property on  
 (Print name)  
 \_\_\_\_\_, 200\_\_\_\_ and a copy of the lease is attached;
2. The Tenant/defendant paid a security deposit in the sum of \$ \_\_\_\_\_;
3. The Tenant/defendant paid the sum of \$ \_\_\_\_\_ in rent and \$ \_\_\_\_\_  
 in late fees since she or he took possession of the real estate and a copy of his/her  
 payment history is attached;
4. The Tenant/defendant should have paid the sum of \$ \_\_\_\_\_ in rent and  
 \$ \_\_\_\_\_ in late fees;
5. As to date of this Court hearing, the Tenant/defendant is in arrears in his/her rent  
 in the amount of \$ \_\_\_\_\_ and
6. To the best of my knowledge, the Tenant/Defendant has no legal, physical or  
 mental disability that would keep him or her from attending the trial or that would  
 prevent the Tenant/defendant from understanding the nature of the proceedings.

**I AFFIRM UNDER PENALTY OF PERJURY THAT THE ABOVE  
 STATEMENTS ARE TRUE AND THAT ANY FALSE CLAIMS MADE BY  
 MEANS OF THIS AFFIDAVIT MAY POSSIBLY RESULT TO CRIMINAL  
 PROSECUTION UNDER THE LAWS OF PERJURY OF THE STATE OF  
 INDIANA.**

Date: \_\_\_\_\_

\_\_\_\_\_  
 (Signature)

**EVICTION DAMAGES BREAKDOWN**

CAUSE NO: 49K08 \_\_\_\_\_ SC \_\_\_\_\_

TENEANT VACATED PREMISES ON \_\_\_\_\_, 2007

Month/Rent owed: \_\_\_\_\_  
Month/Rent owed: \_\_\_\_\_  
Month/Rent owed: \_\_\_\_\_  
Month/Rent owed: \_\_\_\_\_

Repairs: Copies of repairs, estimates, replacement or receipts must be attached.

\_\_\_\_\_  
\$ \_\_\_\_\_  
\_\_\_\_\_  
\$ \_\_\_\_\_  
\_\_\_\_\_  
\$ \_\_\_\_\_  
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\$ \_\_\_\_\_  
\_\_\_\_\_  
\$ \_\_\_\_\_  
\_\_\_\_\_  
\$ \_\_\_\_\_

Total Repairs: \$ \_\_\_\_\_

Minus Tenant's Security Deposit: \$ \_\_\_\_\_

**Total Claimed:** \$ \_\_\_\_\_

Did you provide an itemized list of damages to the tenant within 45 days of him/her vacating the premises? \_\_\_\_\_

I affirm under penalties of perjury that the above statements are true:

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Landlord's Signature

\_\_\_\_\_  
Printed