

UNHAPPY WITH THE JUDGMENT?

THE PARTY (PLAINTIFF OR DEFENDANT) WHO WON THE LAWSUIT IS NOW REFERRED TO AS THE JUDGMENT-CREDITOR AND THE PARTY WHO LOST THE LAWSUIT IS REFERRED TO AS JUDGMENT-DEBTOR. IF EITHER PARTY WANTS TO APPEAL, THAT PARTY MUST FOLLOW THE INSTRUCTIONS BELOW.

- I. RULE 81.1 C. OF THE MARION CIRCUIT AND SUPERIOR COURT CIVIL DIVISION RULES PERMITS AN APPEAL. THAT RULE READS AS FOLLOWS:
 - C. APPEALS FROM MARION COUNTY SMALL CLAIMS COURTS. THE FOLLOWING RULES SHALL GOVERN ALL APPEALS FROM THE MARION COUNTY SMALL CLAIMS COURTS TO THE MARION SUPERIOR COURT.
 - 1) ANY PARTY MAY APPEAL FROM THE JUDGMENT OF MARION COUNTY SMALL CLAIMS COURT TO THE MARION SUPERIOR COURT, WITHIN SIXTY (60) DAYS FROM THE ENTRY; AND WHEN THERE ARE TWO (2) OR MORE PLAINTIFFS OR DEFENDANTS, ONE OR MORE OF SUCH PLAINTIFFS OR DEFENDANTS MAY APPEAL WITHOUT JOINING THE OTHERS IN SUCH AN APPEAL OR PLAINTIFF MAY ADD NEW PARTIES AT THE TIME HE REPLEADS HIS COMPLAINT IN ACCORDANCE WITH THE INDIANA RULES OF TRIAL PROCEDURE.
 - 2) THE SMALL CLAIMS COURT JUDGE SHALL CERTIFY A COMPLETED TRANSCRIPT OF ALL THE PROCEEDINGS HAD BEFORE SAID JUDGE AND TRANSMIT THE SAME, TOGETHER WITH ALL OTHER PAPERS IN THE CASE TO THE MARION COUNTY CLERK, WITHIN TWENTY (20) DAYS.
 - 3) APPEALS MAY BE AUTHORIZED BY THE MARION SUPERIOR COURT AFTER THE EXPIRATION OF THE SIXTY (60) DAYS, WHEN THE PARTY SEEKING THE APPEAL HAS BEEN PREVENTED FROM TAKING THE SAME BY CIRCUMSTANCES NOT UNDER HIS CONTROL.

STEPS TO TAKE TO PERFECT AN APPEAL FROM SMALL CLAIMS COURT

1. WITHIN 60 DAYS OF THE JUDGMENT BEING ENTERED REQUEST AN APPEAL FROM THE SMALL CLAIMS JUDGE IN WRITING AND PAY THE FEE OF \$137; \$132 IS THE FILING FEE FOR MARION COUNTY CLERK AND \$5.00 IS FOR THE PREPARATION OF THE TRANSCRIPT BY THE CLERK OF THE SMALL CLAIMS COURT.
2. THE MARION COUNTY CLERK WILL ASSIGN THE CASE TO ONE OF THE CIVIL COURTS OF THE MARION SUPERIOR COURT. THE JUDGE OF THAT COURT WILL NOTIFY THE PLAINTIFF BY MAIL THAT THE CAUSE MUST BE RE-PLEADED, I.E. THE PLAINTIFF MUST FILE AN ENTIRELY NEW DOCUMENT REPEATING THE ALLEGATIONS FROM THE NOTICE OF CLAIM IN SMALL CLAIMS COURT AND SERVE THE DEFENDANT WITH THE DOCUMENT. PLAINTIFF MAY ADD PARTIES AND ISSUES.
3. THE DEFENDANT, UPON SERVICE OF THE NEW DOCUMENT, MUST ANSWER THE ALLEGATIONS IN WRITING SENT TO THE MARION SUPERIOR COURT WITHIN 20 DAYS OR ASK FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE AN ANSWER.