

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

STATE OF INDIANA, COUNTY OF MARION, ss:

Center Township of Marion County Small Claims Court  
200 East Washington St., City County Bldg., Suite G-5  
Indianapolis, IN 46204 - Phone (317) 327-5060

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Service Requested:

- Personal
- Copy
- Certified Mail

**Plaintiff: (Name, Address & Phone Number)**

vs.

Cause No: 49K01-\_\_\_\_\_ -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 / per 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 holds 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

**TO ANY CONSTABLE OF THIS TOWNSHIP:** You are hereby commanded to summon the above defendant(s) to appear before me in court on \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_ M to answer the plaintiff in a hearing on the above claim and to make due return of this Notice of Claim.

Dated: \_\_\_\_\_, Judge

**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 the such address.

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

\_\_\_\_\_, Constable

**NOTICE TO ALL PARTIES:**

- The nature of the Plaintiff's claim against you and demand made is stated above.
- You may represent yourself or hire an attorney
- In Court on the date and time set above, you will be asked to admit or deny claim. If you deny the claim, a trial date shall be set at this admit or deny hearing.
- 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 the admit or deny hearing, he/she shall write the Court at the above address requesting a trial setting at a future date.
- If the Defendant fails to appear in Court at the time set for the hearing, a default judgment may be entered against the Defendant.
- The Plaintiff waives a trial by jury by filing his/her claim in the Small Claims Court.
- The Defendant waives 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 and fee paid, request cannot be withdrawn without the consent of the other party.
- The Defendant may within ten (10) days of service of the summons file 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 individual defendants included in the complaint resides, or, if there is no such greater percentage, the place where any individual defendant so named resides, owns 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.