SMALL CLAIMS COMPLAINT

PERRY CIRCUIT COURT
2219 Payne Street
Tell City, Indiana 47586

CAUSE NO. 62C01-_____-SC-_____

Plaintiff requests service by:
- ☐ Sheriff of Perry County
- ☐ Certified Mail

Plaintiff 1_____
Plaintiff 2_____
Address Line 1_____
Address Line 2_____
City_____State_____Zip_____
Telephone_____

Defendant 1_____
Defendant 2_____
Address Line 1_____
Address Line 2_____
City_____State____Zip_____
Telephone_____

CLERK'S NOTICE OF CLAIM TO DEFENDANT

The Plaintiff demands judgment against the Defendant(s) for the sum of $_____, and the Court costs of this action.

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

Dated: _____ _____
Plaintiff's Signature

NOTICE TO APPEAR

You (the Defendant) have been sued by the Plaintiff whose name appears above. You must **Appear** in **Perry Circuit Court, Small Claims Docket,** at the following Date and Time:

_____
Month Day Year Time

_____
Perry Circuit Court Clerk

Small Claims Filing Fee is $81.00 plus an additional $13.00 for sheriff's service fee for a total of $94.00. Add $10.00 for each additional Defendant.

(See important information on reverse side)

IMPORTANT INFORMATION CONCERNING THIS CLAIM

1. The Plaintiff or the Defendant may represent themselves individually or be represented by an attorney. A Small Claims Litigant's Handbook is available at the offices of the Clerk or Court for each party's benefit at a cost of $3.00. The Plaintiff and Defendant should bring to trial all documents in their possession or under their control concerning this claim. The Court usually does NOT conduct a contested trial on the first trial setting unless the hearing is for an eviction or, if time permits, both parties are prepared to go forward.

2. A default judgment may be entered against the Defendant if he or she fails to appear for the first hearing or trial, and if the Plaintiff fails to appear, the case will be dismissed (but the Plaintiff may re-file the claim once more).

3. If the Defendant does not wish to dispute the Plaintiff's claim, the Defendant still may wish to appear to allow the Court to establish the method for paying the judgment.

4. Any request for a continuance of the first hearing date or trial date by either party should be filed with the Court at least 5 days before the date. Forms to request a continuance are available at the Court's office. The party requesting a continuance must contact the other party regarding the request.

5. 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. The Defendant does NOT waive a claim if the Defendant does not file it as a counterclaim. The Defendant, however, does waive the amount of the counterclaim over the jurisdictional limit by filing a counterclaim.

6. If a settlement of this claim is made out of Court, it should be in writing and signed by the Plaintiff and Defendant. Settlement forms are available at the Court's office. The settlement shall be filed with the Court and will be entered in the Small Claims Docket and shall have the same effect as a judgment of the Court.

7. The filing of a Small Claim waives the Plaintiff's right to trial by jury. The Defendant may, no later than 10 days following service of the Notice of Claim, make a demand for 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. Once a jury trial request has been granted, it may not be withdrawn without consent of both parties. Both parties should then obtain attorneys.

SHERIFF'S RETURN OF NOTICE OF CLAIM

I hereby certify that on the below date:

☐ I served this Notice of Claim by delivering a copy to the Defendant.

☐ I served this Notice of Claim by leaving a copy:
- ☐ at the dwelling or usual place of abode of Defendant;
- ☐ with a person of suitable age and discretion residing therein, namely ;
- ☐ and by mailing a copy of the Notice of Claim to the Defendant, by first class mail, to the address listed on the Notice of Claim (date mailed if different from below: _____ , 201).

☐ I was unable to serve this Notice of Claim because_____
_____

Dated: _____ , 201__.

_____
Sheriff of Perry County

By: _____

Affidavit of Debt Form:

AFFIDAVIT OF DEBT

Comes now Affiant, and states:
I, _____ am ☐ Plaintiff
OR
☐ a designated full-time employee of
_____.
(Plaintiff)

I am of adult age and am fully authorized by Plaintiff to make the following representations. I am familiar with the record keeping practices of Plaintiff. The following representations are true according to documents kept in the normal course of Plaintiff's business and/or my personal knowledge:

Plaintiff:
☐ is the owner of this debt.
OR
☐ has obtained this debt from _____ and the original owner of this debt was: _____.

Defendant, _____, has an unpaid balance of $____ _____ on account : _____. (last 4 digits of number or ID only)

That amount is due and owing to Plaintiff. This account was opened on _____ _____. The last payment from Defendant was received on _____ _____ in the amount of $_____. The type of account is:

☐ Credit card account (i.e. Visa, Mastercard, Department Store, etc.) List the name of the company/store issuing credit card:
_____.
☐ Account for utilities (i.e. telephone, electric, sewer, etc.)
☐ Medical bill account (i.e. doctor, dentist, hospital, etc.)
☐ Account for services (i.e. attorney fees, mechanic fees, etc.)
☐ Judgment issued by a court (a copy of the judgment is required to be attached)
☐ Other: (Please explain) _____
_____
_____

This account balance includes:

☐ Late fees in the amount of $_____ as of _____.
(Month, Day, Year)

☐ Other: (Explain) _____.

☐ Interest at a rate of _____% beginning on _____.
(Month, Day, Year)

Plaintiff:

☐ is seeking attorney's fees and additional evidence will be presented to the court prior to entry of judgment on attorney's fees.

OR

☐ is not seeking attorney's fees.

Plaintiff believes that Defendant is not a minor or an incompetent individual.

If the Defendant is an individual, Plaintiff states and declares that:

☐ Defendant is not on active military service. Plaintiff's statement that Defendant is not on active military service is based upon the following facts: _____
_____
_____
_____

OR

☐ Plaintiff is unable to determine whether or not Defendant is on active military service.

("Active military service" includes full-time duty in the military (including the National Guard and reserves) and, for members of the National Guard, service under a call to active service authorized by the President or Secretary of Defense. For further information, see the definition of "military service" in the Servicemembers Civil Relief Act, as amended, 50 U.S.C.A. Appx. § 521.)

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

Dated: _____ Signature of Affiant: _____