LOCAL RULES OF THE
JOHNSON COUNTY CIRCUIT AND SUPERIOR COURTS

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LOCAL RULES
OF THE JOHNSON COUNTY CIRCUIT & SUPERIOR COURTS

SMALL CLAIMS RULES

LR41 - SC01 - 001: Scope.

A. Scope. These rules shall govern the procedure and practice of the Small Claims Division, Johnson County Superior Court No. 2

B. Citation. These rules may be cited as LR41 - SC__-____. The small claims rules promulgated by the Indiana Supreme Court are hereinafter referred to as S.C.____; and the Indiana Rules of Trial Procedure are hereinafter referred to as T.R.____.

LR41 - SC00 - 002: General Practice.

A. Conflict of rules. All proceedings in the Johnson County Superior Court No. 2 Court, Small Claims Division shall be governed by the Small Claim Rules promulgated from time to time by the Indiana Supreme Court, and the local rules set forth herein. In instances where these local rules conflict with the rules promulgated by the Indiana Supreme Court, the latter shall control.

B. Tender of completed documents and property costs. Parties or their attorneys are solely responsible to tender to the Court any documents desired to be filed in complete and correct form, together with proper costs, as determined by the Clerk. Neither the Court nor the Clerk will be responsible for delays or deadlines missed due to the tender of incomplete or incorrect documents, or improper costs.

C. Parties' current addresses. Notices from the Court will be sent to the parties at the most recent addresses contained in the Court's file. The parties are therefore solely responsible to maintain their current address in all files concerning them.

LR41 - SC00 - 003: Forms.

A. Court's forms. The Court shall from time to time and with the consultation of the Clerk, draft forms for use of litigants, the Clerk, and the Court in small claims actions.

B. No other forms. Originals or photocopies of the forms described in LR41 - SC00 - 003(A) shall be acceptable for filing. Any other form or photocopy thereof presented to the Clerk shall be accepted for filing only if such form received prior approval of the Court and in such instance, blank forms identical to that submitted and approved shall be immediately provided to the Clerk and to the Court for future reference and comparison.

C. Form size. All forms and pleadings shall be prepared with white 8 1/2 x 11 inch paper.

LR41 - SC08 - 004: Hearing Calendars.

A. General procedure. Upon the filing of the notice of claim, the Johnson County Magistrate will initially schedule all cases, except actions involving possession of real estate or personal property; on the Magistrate's non contested calendar.

B. Magistrate's and judge's calendars. At the non contested hearing the parties are not expected to be prepared for trial on the merits. However, at the first scheduled contested hearing, all parties are expected to be prepared for trial on the merits. A parties failure to appear at any contested or non-contested hearing may result in a dismissal or default judgment.

C. Change of calendar. If the Plaintiff requests the first hearing be set for a contested hearing, said request should be noted on the notice of claim. If said request is granted, the matter will be set on the notice of claim for a contested hearing at which time evidence may be presented. If the Defendant notifies the Court of a dispute as to the claim and issues, or if a Counterclaim is asserted, the Court shall reschedule the matter for hearing on the Magistrate's contested hearing calendar.

LR41 - SC00 - 005: Change of Judge, Removal of Magistrate.

A. Magistrate. The Johnson County Magistrate shall preside over all small claims matters and make recommendations to the Judge for final Order and Judgment.

B. General procedure for change of judge. A change of Judge shall be granted as provided by statute and by the Indiana Rules of Trial Procedure.

C. Striking. If a party fails to file a report of striking within fourteen (14) days, after a Change of Judge is granted, said party shall not be entitled to a change of judge, or shall be subject to the Court's arbitrary assignment of the case to one of the remaining judicial officers, as appropriate.

LR41 - SC09 - 006. Continuances.

A. General rule. Except as provided in LR41 - SC09 - 006(B) and (D) below each party to an action may be granted one (1)

continuance with a showing of good cause. A continuance under this subsection shall not be granted within seventy two (72) hours of the trial, unless approved by a Judge or Magistrate. All motions for continuance must be made in person or by the party's attorney who has filed a written appearance on behalf of said party. The party or attorney obtaining the continuance shall notify any opposing party in a timely fashion and the motion must state whether the opposing party objects or not to than one continuance.

B. Possession of real estate of personal property. No continuance will be granted to a Defendant where the action involves the issue of possession of real estate.

C. Agreed continuances. Any action may be continued by agreement of the parties and approval of the Judge or Magistrate.

D. Proceedings supplemental. No motion for continuance of a proceedings supplemental hearing will be granted, except by agreement of the parties, or on good cause shown and upon approval by a Judge or Magistrate.

LR41 - SC10 - 007: Dismissal of Actions.

A. Dismissal by plaintiff. Any claim may be dismissed by the Plaintiff at any time before judgment has been entered unless a counterclaim or motion for summary judgment has been filed by a Defendant.

B. Dismissal by stipulation. Any claim may be dismissed by filing a stipulation of dismissal signed by all parties to the claim.

C. Dismissal by court. The cause or any pending pleadings in the cause may be dismissed with or without prejudice upon order of the Court, including by way of illustration and not of limitation, as follows:

1. the cause has not been reduced to judgment and where there has been no action on the case for a period of six (6) months; provided however, that no such cause shall be dismissed without notice; or
2. a proceedings supplemental pleading has been filed and there is no action on the day on which the proceedings supplemental is set for hearing.

LR41 - SC10 - 008: Judgment upon Failure of a Party to Appear.

A. Prejudgment grace period. The Court shall permit each party a ten (10) minute grace period to appear for any prejudgment hearing setting, or for any other matter not pertaining to a proceedings supplemental hearing.

B. Judgment default of defendant and default affidavit. Upon the failure of a Defendant to appear at a non-contested hearing or at a contested hearing on the merits, the Plaintiff shall be entitled to a judgment against said Defendant after sworn testimony. In addition to any other applicable requirement of Indiana law, the Plaintiff or Plaintiff's attorney shall sign and file a completed "Affidavit for Judgment by Default" form, if Plaintiff is not available to testify.

C. Default of plaintiff. Upon the failure of a Plaintiff or Plaintiff's attorney to appear at the non-contested hearing or at a contested hearing, the cause shall be dismissed without prejudice and judgment shall be entered for the Defendant against the Plaintiff on any timely-filed counterclaim. Upon the failure of Plaintiff or Plaintiff's attorney to appear at the noncontested hearing or at a contested hearing in a subsequent cause based on the same facts as the cause earlier dismissed without prejudice, said subsequent cause shall be dismissed with prejudice and judgment shall be entered for the Defendant against the Plaintiff on any timely-filed counterclaim.

D. Setting aside default judgment. A default judgment may be set aside according to the procedures set forth in LR41 - SC11 - 010(C) and T.R. 60 (B). Forms for this purpose are available from the Court upon request.

E. Stay pending ruling on LR41 - SC10 - 008(D). In any cause in which a motion to set aside default judgment has been filed, collection proceedings as to the judgment debtor filing the motion will not be stayed unless a motion to stay such proceedings is filed and granted pursuant to T.R. 62 (B), and any required bond secured.

F. Default on proceedings supplemental. The Court shall permit party a fifteen (15) minute grace period to appear for any proceedings supplemental hearing. After the fifteen (15) minute grace period has elapsed a judgment creditor shall be entitled to apply for appropriate proceedings supplemental sanctions.

LR41 - SC00 - 009: Attorney Fees.

Evidence required to support award. The amount of attorney fees awarded shall be with the sound discretion of the Court. No attorney fees shall be awarded unless:

A. provided for by written agreement(s) between the parties; or

B. according to applicable statute(s),trial rules or common law. Proof of such fees shall be in the form of sworn testimony from, or the affidavit of, the attorney(s) whose services are being proved.

LR41 - SC11 - 010: Judgments for Payment of Money.

In general. Judgments for payment of money shall be enforceable according to the Indiana Rules of Trial Procedure and applicable statutes.

LR41 - SC16 - 011: Judgments for Possession of Real Estates or Personal Property.

A. Bifurcated judgment and expedited hearing on possession. Judgments in actions involving the issue of the possession of real estate or personal property shall be bifurcated. The initial hearing on possession issues shall be set in an expedited setting on the Magistrate's calendar. A final judgment for possession of the real estate or personal property shall be entered at the initial hearing and a judgment for back rent and/or other damages, if any, shall be considered at a subsequent hearing.

B. Notice to tenant. Unless the landlord shall file the pleadings and bond set forth in I.C. 32-6-1.5-1, et. seq., or has an agreement with the tenant, notice to a tenant shall be ten (10) days as required by S.C. 2.

LR41 - SC11 - 012: Release of Judgment.

A. Release of judgment. When any judgment has been fully paid and satisfied, including any interest and all costs, and the judgment creditor has received all said monies or they are available in the Clerk's office, said judgment creditor shall immediately release the judgment against the debtor by personally executing such release on the judgment records of the Clerk, or by causing such release to be filed with the Clerk.

B. Failure to release judgment. Upon a judgment creditor's failure to release a judgment fully paid and satisfied, the affected debtor may:

1. proceed to notify the judgment creditor and file suit for penalties as set forth in I.C. 32-8-1-2; or
2 move on the record of the cause in which the judgment was entered to have said judgment deemed satisfied pursuant to T.R. 13(M), upon which motion notice shall issue and a hearing shall be held by the Court.

LR41 - SC00 - 013: Proceedings Supplemental.

A. General Procedure. Proceedings supplemental to execution shall be governed by T.R. 69(E) of the Indiana Rules of Trial Procedure and applicable statutes.

B. One Year Rule. Except by order of the Court for good cause shown, no proceedings supplemental may pend for more than six (6) months from the date of its filing, and no judgment creditor may file more than four (4) proceedings supplemental per year against any individual judgment debtor in a given cause. At the end of said (6) month period, any pending proceedings supplemental shall not be dismissed if good cause is shown.

C. Conduct Of Hearings. Unless the judgment creditor is represented by an attorney at the proceedings supplemental hearing, said hearing shall be conducted by the Court.

D. Proceedings Supplemental During Pendency Of Garnishment Order. If a garnishment order has been issued and payments are being received by the Clerk, but the judgment remains unsatisfied, additional proceedings supplemental directed to the judgment debtor or to an additional garnishee defendant may be filed only by order of the Court for good cause shown.

LR41 - SC00 - 014: Court Orders to Appear.

A. General Use. Judgment creditors may request the Court to issue an order to appear (COTA) to judgment debtor(s) only when:

1. an active proceedings supplemental is pending against the judgment debtor;
2. the hearing date set for the COTA is within sixty (60) days of the date on which the COTA is issued and;
3. good cause exists for the COTA and is shown on the record at the time the COTA is requested.

B. Good Cause. "Good cause" under LR41 - SC00 - 014(A)(3) shall include but not be limited to:

1. the judgment debtor failed to produce documents as previously ordered by the Court;
2. the judgment debtor has relocated with new address presently unknown
3. there is a reasonable certainty that the judgment debtor's financial status will substantially change within sixty (60) days.
4. payments on garnishment order have not started or have ceased for thirty (30) days.

C. COTA and Garnishment Orders. When a garnishment order has issued, and payments are being received by the Clerk, no pending COTA will be enforced, and no COTA will issue to the judgment debtor, except by order of the Court for good cause shown.

D. Failure To Appear On COTA. Upon a judgment debtor's failure to appear on the date and time set by the COTA, the judgment creditor may request sanctions under LR41 - SC00 - 15.

E. Agreements To Appear Without COTA. In any proceedings supplemental, the parties may agree to reset a hearing without use of a COTA. If after such agreement either party fails to appear at the reset hearing, no sanctions shall be available under LR41 - SC00 - 015 for such failure to appear.

LR41 - SC00 - 015: Contempt / Rule to Show Cause / Body Attachment.

A. Contempt. Upon failure of a judgment debtor or Garnishee-Defendant to appear as ordered for a scheduled hearing, or answer interrogatories, the judgment creditor may file a contempt citation as to said person. Said contempt citation must be filed within thirty (30) days of the failure to appear, or within thirty (30) days of the failure to answer interrogatories.

B. Body Attachment. Body attachment shall be requested and issued only when:
1. the judgment debtor or garnishee-defendant previously ordered to appear for scheduled hearing was personally served with an order to appear and failed to appear for the hearing at issue; and
2. the request for Body Attachment is made within thirty (30) days of the hearing at issue and
3. the judgment creditor properly completes and files all pleadings and forms from time to time required by the Court. Said pleadings and forms currently include for each judgment debtor;
   a. one (1) request for Body Attachment with the necessary information for a warrant, including the judgment debtor's social security number and or date of birth and or physical description.
   b. at least three (3) Writs of Attachment.

C. Procedure For Contacting Judgment Creditor When Attached Person Is In Custody And Unable To Post Bond. When the judgment creditor under LR41 - SC00 - 015 requests the issuance of a Body Attachment, and as needed at any time thereafter, said creditor shall file with the Court any telephone numbers (not to exceed three (3)) at which the Court may notify the creditor of the attached person's appearance in custody. Upon such appearance in custody, the Court, to the best of its ability and consistent with the continued performance of its daily responsibilities, shall:
1. attempt to contact the creditor at the telephone numbers on file with the Court; and
2. thereby notify the creditor of a time later during the same Court business day which the attached person will be brought before the Court for questioning by said creditor.
3. If the Court is unable to contact the judgment creditor as set forth above after attempting to do so for a period of twenty-four (24) hours, the attached person shall be brought before the Court for questioning, given a new Court date to appear released without bond.

D. Expiration And Recall Of Body Attachment.
1. Expiration. Body Attachments expire one hundred and eighty (180) days after issuance.
2. Recall. If during the pendency of a Body Attachment, the judgment creditor desires to recall said body attachment, said judgment creditor shall:
   a. appear personally or by attorney and move on the record for recall of the Body Attachment; and
   b. state on the record the reason for the desired recall; and
   c. Upon recall of a Body Attachment, the judgment creditor must refile a COTA for any subsequent hearing.

LR41 - SC00 - 016. Garnishment.

A. General Procedure. All garnishment proceedings shall comply with T.R. 69 (E) and applicable statues.

B. Requirements for Garnishment Order. A garnishment order shall not issue with respect to a judgment debtor's wage or other property without:
1. an active proceedings supplemental as to the judgment debtor or waiver of notice by said judgment debtor;
2. service on the garnishee-defendant of the proceedings supplemental by
   a. certified mail, or refusal there
   b. Sheriff's service
   c. private process server; and
   d. return of answered interrogatories, other verification of employment by the garnishee-defendant, or failure to answer interrogatories after notice.

C. Voluntary Garnishments. In instances where a judgment debtor has entered a voluntary agreement with respect to garnishment of wages or other property, notwithstanding the terms of the agreement, no garnishment order shall issue unless:
1. an active proceeding supplemental is pending against the judgment debtor; and,
2. the judgment debtor personally appears, testifies as to his or her employment and wages.

D. Garnishments Upon Default Of Agreement. In instances where a judgment debtor has entered a voluntary agreement for periodic payments to satisfy the judgment and has further consented to garnishment upon default, notwithstanding the terms of the agreement, no garnishment order shall issue unless:
1. an active proceeding supplemental is pending against the judgment debtor and the garnishee-defendant;
2. the judgment debtor's employment by said garnishee-defendant has been verified as set forth in LR41 - SC00 - 016(A) and (B) on the record within six (6) months prior to the date on which judgment creditor requests issuance of the garnishment order; and
3. the judgment creditor represents on the record either orally or by written pleading the default of judgment debtor.

E. Release. Upon receipt by the judgment creditor or by the Clerk on the judgment creditor's behalf of monies sufficient to fully satisfy the judgment, any accrued interest and costs, the judgment creditor shall immediately prepare and obtain a court order releasing the applicable garnishment order and shall forward a copy to the garnishee-defendant(s).

LR41 - SC00 - 017. Post-judgment Order to Self Employed / Other Judgment Debtor (s).

A. General Procedure . Post-judgment order to self employed and other judgment debtors are available pursuant to T.R. 69(E) and I.C. 34-1-44-7 upon the filing of a verified motion for proceedings supplemental by the judgment creditor.

B. Hearing Before Judge Or Magistrate. All motions for a court order requiring the judgment debtor (s) to apply specified or unspecified property towards the satisfaction of the judgment pursuant to T.R. 69 (E) (3) or I.C. 34-1-44-7 shall be set for hearing before a Judge or the Magistrate.

LR41 - SC00 - 018. Writs.

A. General Procedure. Writs to enforce the Court's orders or in aid of its jurisdiction are generally available as set forth in T.R. 70 (A) and Title 34 of the Indiana Code.

B. Writs Of Execution For Delivery Of Possession Of Real Estate. Except by order of the Court for good cause shown, no writ of execution for delivery of possession of real estate shall issue before one (1) calendar week has expired after entry of the underlying judgment by the Court.

LR41 - SC00 - 019. Bankruptcy.

A. Bankruptcy of Judgment Debtor. All Court action, including pending collection proceedings, will be stayed as to any judgment debtor:

1. who files with the Court in each relevant action one (1) copy of the bankruptcy court's notice of relief; or
2. whose attorney files with the Court in each relevant action a motion for stay reciting the prior filing of bankruptcy by the judgment debtor and resultant stay of all proceedings by the bankruptcy court, including the cause number and court of the bankruptcy.

BOND SCHEDULE

LR41 - CR00 - 020. Scope of the Johnson County Court Bail Bond Schedule.

A. Unless the bail bond amount has been endorsed in a warrant or ordered by the Circuit, Superior or City Courts of Johnson County, the Johnson County Standard Bail Bond Schedule shall apply to all persons charged with offenses in Johnson County.

B. The Johnson County Standard Bail Bond Schedule does not apply to any person who is charged with Juvenile Delinquent or Juvenile Status offenses.

C. The Johnson County Standard Bail Bond Schedule supersedes any general schedules relating to bail or bonds previously issued by the Johnson County Circuit, Superior, or City Courts.

LR41 - CR00 - 021. Effective Date.

The Johnson County Standard Bail Bond Schedule shall become effective July 1, 2014, and shall remain in full force and effect until modified or amended by subsequent Order of the Johnson County Courts.

LR41 - CR00 - 022. Review.

All bail bonds fixed pursuant to the Johnson County Standard Bail Bond Schedule shall be subject to review by a judicial officer upon the written request of either party.

LR41 - CR00 - 023. Type.

A. The bail bond amounts listed herein refer to cash or surety bonds only.

B. Without prior court order, ten percent (10%) cash bonds shall not be permitted.

C. All cash bail bonds shall be considered a personal asset of the Defendant, and shall be held in trust by the Court Clerk to be applied towards payment of the Defendant's fines, court costs, indigent services, restitution, judgments and / or other fees which may be assessed by the Courts during the course of the proceedings.

LR41 - CR00 - 024. Johnson County Standard Bail Bond Schedule.

The standard minimum bail bond in criminal cases shall be set as follows for detainees arrested on or after July 1, 2014:

Charge:	Bond:
Murder	None
Level 1 Felony	$40,000 Cash **or** Surety

Level 2 Felony	$30,000 Cash **or** Surety
Level 3 Felony	$16,000 Cash **or** Surety
Level 4 Felony	$600 Cash **and** $6,000 Surety
Level 5 Felony	$300 Cash **and** $3,000 Surety
Level 6 Felony	$200 Cash **and** $1,000 Surety
Misdemeanor	$250 Cash **or** $1,000 Surety

LR41 - CR00 - 025. Other Pending or Prior Charges.

A. Probation / Parole: If the Defendant is presently out on bail or bond for a pending criminal charge, is on probation, or is on parole, the bail amount to be posted on the new charge shall be double the amount stated in the standard bail bond schedule.

B. Domestic Violence: In situations where the Defendant has been arrested for a Second Offense involving allegations of Domestic Violence, the Defendant shall be held without bond, until the appropriate bond amount is determined by a judicial officer at the Defendant's first court appearance. (This section applies only if the Defendant has been previously arrested for, or convicted of, an offense involving domestic violence.)

LR41 - CR00 - 026. Multiple Charges.

If the Defendant is being arrested or detained for more than one (1) offense, then bail under this standard schedule shall be established as follows.

A. All Felony and Class A Misdemeanor offenses shall be the aggregate amount of the offenses charged.

Example: If the Defendant is charged with a Level 4 Felony, a Level 5 Felony, and a Class A Misdemeanor, the bail would be the total of: ($600 Cash and $6,000 Surety) + ($300 Cash and $3,000 Surety) + ($250 Cash or $1,000 Surety) = leading to two (2) possible results: $1,150 Cash + $9,000 Surety OR $900 Cash + $10,000 Surety.

B. All Class B and C Misdemeanors shall be concurrent and grouped into one bond amount.

Example: If the Defendant is charged with a Class A Misdemeanor, a Class B Misdemeanor, and a Class C Misdemeanor, the bail would be the total of: ($250 Cash or $1,000 Surety on the A Misdemeanor) + ($250 Cash or $1,000 Surety on the B and C Misdemeanors) = leading to three (3) possible results: $500 Cash OR $2,000 Surety OR $250 Cash + $1,000 Surety.

LR41 - CR00 - 027. Intoxicated Defendants.

The Sheriff of Johnson County or his / her designee, shall h ave the express authority to detain a person under the influence of intoxicating beverages or drugs until such time as that person may be safely released without being a danger to himself / herself or others.

RULES FOR COURT REPORTERS

LR41 - AR15 - 028: Scope.

These rules apply in the Johnson County Circuit Court; the Johnson County Circuit Court, Juvenile Division; Johnson Superior Court 1; Johnson Superior Court 2; Johnson Superior Court 3; and the Johnson County Magistrate Court.

LR41 - AR15 - 029: Definitions.

The following definitions shall apply under these local rules:

A. *Additional Documents* means the documents required by Indiana Rules of Appellate Procedure 28(A) and 29 which are not actually a portion of the text of court proceedings, including, but not limited to, the Title Page, Covers, and Table(s) of Contents.

B. *Certified* means the process, required by the Indiana Rule of Appellate Procedure 28(B) (or Indiana Rule of Appellate Procedure 7.2, prior to its repeal) by which the Court Reporter states and/or affirms that the Transcript is correct.

C. *County* means Johnson County, Indiana.

D. *County Indigent Transcript* means a Transcript that is paid for from County funds and is for the use on behalf of a litigant who has been declared indigent by a Court.

E. *Court* means the particular Court for which the Court Reporter performs services. Court may also mean all of the Courts in Johnson County.

F. *Court Reporter* is a person who is specifically designated by the Court to perform the official Court reporting services for the Court, including preparing a Transcript of the record.

G. *Equipment* means all physical items owned by the Court or other governmental entity and used by a Court Reporter in performing Court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.

H. *Emergency* means a circumstance or situation which creates a need for a Transcript to be prepared in less time than is allowed under the Indiana Rules of Appellate Procedure. Emergency does not include those circumstances which result in Insufficient Notice or Short Notice.

I. *Gap Hours Worked* means those hours worked that are in excess of the regular hours worked but hours not in excess of 40 hours per work week.

J. *Insufficient Notice* means a request for Transcript preparation which does not contain sufficient information and which causes delay in either: 1) the estimations of time for and cost of Transcript preparation, or 2) the preparation of the Transcript. Failure to make satisfactory payment arrangements pursuant to Indiana Rule of Appellate Procedure 9(H) may also constitute Insufficient notice.

K. *Judge* means the permanent, elected or appointed judicial officer who presides over the Court.

L. *Overtime Hours* means those hours worked in excess of 40 hours per work week.

M. *Page* means the page unit of a Transcript which results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 28 (or, Indiana Of Appellate Procedure 7.2, prior to its repeal). Page shall also mean the page unit of the Additional Documents produced by the Court Reporter, in accordance with Indiana Appellate Rules 28 and 29.

N. *Private Practice* means the recording of a deposition and/or preparation of a deposition Transcript, which is unrelated to Court proceedings.

O. *Private Transcript* means a Transcript, including but not limited to a deposition Transcript, that is paid for by a private party.

P. *Recording* means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.

Q. *Regular Work Hours* means those hours which the Court is regularly scheduled to work during any given work week. Depending on the particular Court, these hours may vary from Court to Court within the county but remain the same for each work week.

R. *Short Notice* means a request for Transcript preparation which is made less than seven days from the date which the Transcript is needed, i.e. a witness' testimony during jury trial to be used in closing arguments.

S. *State Indigent Transcript* means a Transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a Court.

T. *Transcript* means the text of a Court proceeding which is produced in written form pursuant to Indiana Rules of Appellate Procedure 11 and 28 (or, Indiana Rules of Appellate Procedure 7.1 or 7.2, prior to their repeal).

U. *Work Space* means that portion of the Court's facilities dedicated to each Court Reporter, including but not limited to actual space in the Courtroom and any designated office space.

V. *Work Week* means a 7 consecutive day week that consistently begins and ends on the same days throughout the year; i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

LR41 - AR15 - 030: Compensation.

A. Salary. Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising Judge during any Regular Work Hours, Gap Hours Worked, or Overtime Hours. The supervising Judge shall enter into a written agreement with the Court Reporters which outlines the manner in which the Court Reporter is to be compensated for Gap and Overtime Hours; i.e. monetary compensation or compensatory time off regular work hours.

B. Charges for Transcript Preparation:

1. Unless otherwise noted in this rule, or otherwise provided by specific, written order of the Judge, the per page fee for the preparation of a Certified Transcript is $ 5.00.
2. The Court Report shall submit a claim directly to the County for the preparation of any County Indigent Transcripts.
3. At the Judge's discretion, a per page fee exceeding $ 5.00, but not more than$ 6.25, may be charged for the preparation of a Transcript in cases of Emergency, Insufficient Notice, or Short Notice.
4. The minimum fee of $35.00 shall be charged for any Transcript of New Whiteland Town Court proceedings

which is less than ten (10) pages, if the Transcript preparation also requires the Court Reporter's time to locate the original recording media.

5. The per page fee a Court Reporter may charge for an Uncertified copy of a previously prepared Transcript shall be $1.00.

C. Charges in Addition to Transcript Preparation.

1. Preparation of the Additional Documents required by Indiana Rules of Appellate Procedure 28(A) and 29 shall be compensated at the standard per page fee of $ 5.00.
2. Binding of the Transcript, Additional Documents, and Exhibits as required by Indiana Rules of Appellate Procedure 28(A) and 29 shall be compensated at the Court Reporter's hourly rate of the annual court Salary, referenced in section 3(A), as determined by the Johnson County Auditor. Such work shall be accounted for and billed in fifteen (15) minute increments.
3. The Court Reporter shall charge for office supplies required and utilized for the binding and electronic transmission of the Transcript, pursuant to Indiana Rules of Appellate Procedure 28 and 29.
   a. The costs for these supplies shall be determined pursuant to the Schedule of Transcript Supplies which shall be published annually by the Judges of Johnson County.
   b. At the direction of the Judge, the necessary supplies for County Indigent Transcripts, may be provided by the Court.

D. Payment Arrangements.

1. Pursuant to Indiana Rule of Appellate Procedure 9(H), the party requesting a Transcript shall make satisfactory payment arrangements with the Court Reporter, prior to the commencement of the Transcript preparation.
2. A deposit of at least one half (2) of the estimated cost of the completed Transcript will be required by the Court Reporter before beginning any Transcript.

E. Annual Reporting.

1. Each Court Reporter shall report all Transcript fees received for the preparation of either County Indigent or Private Transcripts, at least annually.
2. This report shall be on forms prescribed by the Indiana Supreme Court Division of State Court Administration.

LR41 - AR15 - 031: Choice to Engage in Private Practice.

A. A Court Reporter may elect to engage in Private Practice.

B. With a written agreement with the Judge, a Court Reporter may utilize the Court's Equipment, Work Space and supplies.

C. The written agreement between the Judge and the Court Reporter shall, at a minimum, designate the following:

1. The reasonable market rate for the use of Equipment, Work Space and supplies;
2. The method by which records are to be kept for the use of Equipment, Work Space and supplies; and
3. The method by which the Court Reporter is to reimburse the Court for the use of the Equipment, Work Space and supplies.
4. If a Court Reporter elects to engage in Private Practice, all such Private Practice work shall be conducted outside of Regular Work Hours.

RULES REGARDING PLACEMENT OF JUVENILES FACING NON-JUVENILE CHARGES

LR41 - CR00 - 032. Scope.

A. In accordance with the Indiana Code and this Court's probate jurisdiction, this Court operates both a Juvenile Court Division and the Johnson County Juvenile Detention Center.

B. The purpose of the Johnson County Juvenile Detention Center is to provide a secure placement for juveniles who are facing an allegation of delinquency or a status offense or who have been adjudicated to be delinquent.

C. From time to time, a juvenile may be charged with a non-juvenile offense (criminal or otherwise) which is outside the jurisdiction of the Juvenile Court.

D. As a courtesy to the Johnson County Sheriff and to the other Johnson County Courts, juveniles charged with or arrested for non-juvenile offenses may be held in the Juvenile Detention Center, assuming such admission is in complete compliance with the mandates of this Order.

LR41 - CR00 - 033: Specific Authorization.

A juvenile charged with or arrested for a non-juvenile offense shall be not be held in the Johnson County Juvenile Detention Center without the specific authorization or approval of the Judge or the Juvenile Magistrate of the Johnson Circuit Court.

LR41 - CR00 - 034: Standard Intake Procedures.
Upon the grant of said authorization or approval, a juvenile charged with, or arrested for, a non-juvenile offense must first complete the standard intake procedures which are normal in the course of commitment to the Johnson County Jail

LR41 - CR00 - 035: Bond Processing.
Having completed the standard intake processing at the Johnson County Jail, said juvenile should be considered for bond pursuant to the Johnson County Bond Schedule, or any amendments thereto.

LR41 - CR00 - 036: Detention Duration.
The duration of such detention shall be at the sole discretion of the Judge or the Juvenile Magistrate of the Johnson Circuit Court.

LR41 - CR00 - 037: Prior Authorization for Deviations from Procedures.
Any exceptions to or deviations from the procedures set forth in this Order must be authorized, in advance, by either the Judge or the Juvenile Magistrate of the Johnson Circuit Court.

RULES ON ACCESS AND RELEASE OF APPELLATE MATERIALS

LR41 - TR77 - 038: Scope.
These rules are issued pursuant to Indiana Appellate Rule 12 and govern the release and / or access to materials filed with the Johnson County Clerk of Courts pursuant to any provision of the Indiana Appellate Rules.

LR41 - TR77 - 039: Definitions.
For the purposes of these rules, the following definitions apply:
A. *Clerk of Courts*: The Clerk of the Johnson Circuit and Superior Courts.
B. *Clerk's Office*: Any office or deputy of the Clerk of Courts.
C. *Exhibits*: Those original items or documents admitted into evidence during proceedings in the Johnson Circuit and Superior Courts which are bound and filed with the Clerk of Courts by a Court Reporter of the Johnson Circuit and Superior Courts pursuant to the Indiana Rules of Appellate Procedure.
D. *Transcript*: Any transcribed materials filed with the Clerk of Courts by a Court Reporter of the Johnson Circuit and Superior Courts pursuant to the Indiana Rules of Appellate Procedure.

LR41 - TR77 - 040: Transcript.
A. During their respective briefing period, any party may have may, upon request, be provided with a copy of the Transcript by the Clerk's Office.
B. An attorney of record, representing any party, may withdraw the original Transcript from the Clerk's Office by filing a completed Request for Release of Appellate Materials.
   1. The attorney who withdraws the Transcript shall return it to the Clerk of Courts the date their brief is filed with the Court on Appeal.
   2. Failure to timely return the Transcript may result in notice of the same being made to the Court on Appeal.

LR41 - TR77 - 041: Exhibits.
A. During their respective briefing period, any party may, upon request, be provided a copy of any Exhibit, by filing a completed Request for Release of Appellate Materials.
B. Release of any original Exhibit or Exhibits which cannot be duplicated, replaced, or recreated shall be made only upon written authorization from the trial court.
   1. The party who withdraws any original Exhibit shall return it to the Clerk of Courts the date their brief is filed with the Court on Appeal.
   2. Failure to timely return the original Exhibit may result in notice of the same being made to the Court on Appeal.

RULES REGARDING INCARCERATION OF COMMUNITY CORRECTIONS DETAINEES

LR41 - CR00 - 042: Scope.
A. Community Corrections has put into place a 24 hour hold policy and that the Community Corrections Advisory Board has

approved the same.

B. The Community Corrections policy contains a provision for 24 hour incarceration upon any allegation of consumption of alcohol violation for any participant in Work Release, Home Detention and Day Reporting.

C. It is in the interest of judicial economy and uniformity to issue an order authorizing a 24 hour incarceration for active participants in Work Release, Home Detention or Day Reporting who test positive for alcohol use.

D. That this policy shall be in addition to, and not be considered to the exclusion of any additional policies or sanctions which may be considered for the participants conduct.

LR41 - CR00 - 043: Twenty-four Hour Incarceration.

Accordingly, the Court NOW ORDERS that, in absence of specific order by the Court: Community Corrections is authorized to present for 24 hour incarceration, any participant in Work Release, Home Detention or Day Reporting who test positive for alcohol use.

FAMILY COURT RULES

Mission Statement:

The purpose of the Juvenile and Family Court is to effectuate maximum utilization of services to Johnson County families who are involved in particularly complex litigation or multiple, simultaneously pending litigation through the coordination of pretrial proceedings and service referral.

LR41 - FL00 - 044: Definitions. *

A. *Family Court*: is the Johnson Circuit Court or Johnson Circuit Court, Juvenile Division, before which cases involving a family or household are linked together for purposes of case coordination. The individual cases maintain their separate integrity and separate docket number, but may be given a common family court designation.

B. *Family Court Proceeding*: is comprised of the individual cases of the family or household(s) which have been assigned to Family Court.

LR41 - FL00 - 045: Scope.

A. These rules apply exclusively to the Johnson County Family Court Pilot Project operated in the Johnson Circuit Court, Juvenile Division as the Johnson County Juvenile and Family Court.

B. Unless explicitly set out in these rules, these rules do not abrogate or modify the Johnson County Local Rules.

LR41 - FL00 - 046: Eligibility.

A. Case types eligible to be heard in the Family Court include, but are not limited to: AD, DR, GU, JC, JD, JM, JS, JT, MH, PO, and RS.

B. Where family members are involved in two or more simultaneously active cases, of eligible case types, with pending issues, these cases will be moved to the Family Court.

C. Pursuant to the Johnson County Local Criminal Rules, LR41 - CR2.2 - 048, charges of Nonsupport of a Dependent Child shall be assigned to the Johnson Circuit Court and heard in the Juvenile and Family Court by the Juvenile Magistrate as a Family Court proceeding. It shall be the duty of the Prosecuting Attorney to file the Family Court Identification Form with the Juvenile and Family Court.

D. A case, of an eligible case type, involving particularly complex family law issues may be moved to the Family Court if:
   1. A written request is received in the Family Court.
   2. Notice is provided to all parties.
   3. Approval is granted by the Judge of the originating court.
   4. Approval is granted by a Judge of the Family Court.

LR41 - FL00 - 047: Identification of Eligible Families.

A. Any person aware of a family involved in multiple, simultaneously pending litigation may identify such a family to the Family Court.
   (I). The preferred method of referral is use of the Identification Form [Attachment 1].
   (ii). Telephonic referrals will be accepted.

B. Identification of a family who may be eligible for case transfer to the Family Court is an administrative procedure which does not address the merits of the cases involved and which grants no procedural or tactical advantage. All parties will be informed in writing of the result of the identification process.

LR41 - FL00 - 048: Assignment of Cases.

A. The Local Rules governing the assignment of cases among the Circuit and Superior Courts are not affected by the implementation of the Family Court or these rules.

B. Cases shall be assigned among the Circuit and Superior Courts in accordance with the Johnson County Local Rules governing the same.

C. There are no original filings in the Family Court.

LR41 - FL00 - 049: Filing of Pleadings.

A. Pleadings may be filed in either the office of the Clerk of Courts or the Family Court.

B. However, in order to avoid any administrative delays in processing, emergency pleadings should be filed in the Office of the Family Court.

LR41 - FL00 - 050: Jurisdiction.

A. The Family Court may exercise jurisdiction over any case involving the family at the same time it exercises jurisdiction over a juvenile case (Child In Need of Services, Delinquency, Status, and Paternity) involving the family. *

B. Cases heard in the Family Court, whether by transfer or designation, shall remain in the Juvenile and Family Court for any post-dispositional proceedings.

LR41 - FL00 - 051: Hearings.

A. Status Hearings. Unless specified otherwise in writing, the first appearance in the Family Court shall be a status hearing.

B. Concurrent Hearings. The Family Court may, in the Court's discretion, set hearings on related cases to be heard concurrently, take evidence on the related cases at these hearings, and rule on the admissibility of evidence for each cause separately as needed to adequately preserve the record for appeal. This rule applies only when the cases are pending before the same judicial officer. *

LR41 - FL00 - 055: Designation of Family Court Case and Change of Judge for Cause. *

A. Once a notice is sent to the parties that a case has been selected for the Family Court, no motion for a change of venue from the judge may be granted except to the extent permitted by Indiana Trial Rule 76.

B. Within ten (10) days after notice is sent that a case has been selected for Family Court, a party may object for cause to the Family Court designation.

C. A motion for change of venue from the judge in any matters arising in the Family Court proceeding or any future cases joined in the Family Court proceeding after the initial selection of cases, shall be granted only for cause.

D. If a special judge is appointed, all current and future cases in the Family Court proceeding may be assigned to the special judge.

LR41 - FL00 - 056: Judicial Notice and Access to Records. *

A. Notice of Case Assignment: Within a reasonable time after a case is assigned to Family Court, the court shall provide to all parties in the Family Court Proceeding a list of all cases that have been assigned to that Family Court Proceeding.

B Judicial Notice: Any court having jurisdiction over a case assigned to Family Court may take judicial notice of any relevant orders or Chronological Case Summary (CCS) entry issued by any Indiana Circuit, Superior, County, or Probate Court.

C. Copies: If a court takes judicial notice of:

1. A court order, the court shall provide a copy of that court order; or,
2. A Chronological Case Summary (Hereinafter: CCS) or CCS entry(s), the court shall provide a copy of the entire CCS.
3. The Court shall provide copies of the order or CCS to the parties to the case at or before the time judicial notice is taken

D. Access to Records: Parties to a Family Court Proceeding shall have access to all cases within the Family Court Proceeding, with the exception of confidential cases or records to which they are not a party. Parties may seek access to the confidential cases or records in another case within the Family Court Proceeding in which they are not a party, by written petition based on relevancy and need. Confidential records shall retain their confidential status and the Family Court shall direct that confidential records not be included in the public record of the proceedings.

PLAN FOR ALLOCATION OF JUDICIAL RESOURCES (CASELOAD ALLOCATION PLAN)

LR41 - AR01 - 057: Criminal Cases.
Criminal case allocation among the Johnson Circuit and Superior Courts will operate as specified in the Rules for Filing and Reassignment of Criminal Cases, LR41 - CR2.2 - 086.

LR41 - AR01 - 058: Juvenile Cases.
All Juvenile cases (JC, JD, JM, JP, JS, and JT) shall be filed in the Johnson Circuit Court.

A. CHINS and Terminations. Unless a written order indicates otherwise, Juvenile CHINS (JC) and Juvenile Termination (JT) cases shall be heard by the Judge of the Johnson Circuit Court.

B. Other Juvenile Cases. Unless a written order indicates otherwise, Juvenile Delinquency (JD), Juvenile Miscellaneous (JM), Juvenile Paternity (JP), and Juvenile Status (JS) cases shall be heard by the Juvenile and Family Court Magistrate.

LR41 - AR01 - 059: Family Court Cases.
Unless otherwise indicated by a written order, all Family Court cases shall be heard by the Juvenile and Family Court Magistrate of the Johnson Circuit Court.

LR41 - AR01 - 060: Remaining Civil Cases.

A. Reciprocal Support. Reciprocal Support (RS) cases shall be filed in the Johnson Circuit Court and will beard by the Magistrate of the Juvenile and Family Court.

B. Probate. All Probate cases (AD, ES, EM, EU, GU, MH, and TR) shall be filed in the Johnson Superior Court No. 1.

C. Domestic Relations. Domestic Relations (DR) cases shall be filed in the Johnson Circuit Court, the Johnson Superior Court No. 2, and the Johnson Superior Court No. 4, on a random and even basis.

D. Small Claims. Small Claims (SC) cases shall be filed in the Johnson Circuit and Superior Courts, on a random and even basis. Small Claims cases shall be heard by the Magistrate of the Johnson Circuit and Superior Courts.

E Protection Order. Protection Order cases shall be filed in the Johnson Circuit and Superior Courts, on a random and even basis, unless involving the same parties in a pending Civil or Juvenile case (i.e., AD, DR, GU, JC, JD, JM, JP, JS, JT, etc.).

1. Protection Order (PO) cases not associated with other pending Civil or Juvenile case shall be heard by the Magistrate of the Johnson Circuit and Superior Courts.
2. Protection Order (PO) cases associated with other pending Civil or Juvenile cases involving the same parties cases shall be opened in the courts wherein such associated cases are pending and may, at the discretion of the presiding Judge, be heard by the Magistrate of the Johnson Circuit and Superior Courts.

F. Civil Cases. Unless a specific provision of this rule provides otherwise, all remaining civil case types (CC, CT, MF, MI, PC, PL, and XP) shall be filed in the Johnson Superior Court No. 1 and the Johnson Superior Court No. 4 on a random and even basis.

1. Post-Conviction Relief.
   a. Post-Conviction Relief (PC) cases shall be filed in the court which sentenced the Petitioner.
   b. Post-Conviction Relief cases may be assigned to the Magistrate of the Johnson Circuit and Superior Courts.
2. Expungement / Sealing (pursuant to I.C. 35-38-9-1, et seq.). Expungement (XP) cases shall be heard by the Magistrate of the Johnson Circuit and Superior Courts.
3. Special Driving Privileges (pursuant to I.C. 9-30-16-1, et seq.). Civil Miscellaneous (MI) cases filed to petition for Special Driving Privileges shall be heard by the Magistrate of the Johnson Circuit and Superior Courts.

LR41 - AR01 - 061: Proceedings Supplemental.

A. Small Claims. Proceedings Supplemental in Small Claims (SC) cases shall be heard by the Magistrate of the Johnson Circuit and Superior Courts.

B. Other Civil Cases. Unless a written order indicates otherwise, Proceedings Supplemental in all other cases shall be heard in the court supervising that case.

LR41 - AR01 - 062: Evaluation of Workload Information.

A. Future Review. Future review of the Caseload Allocation Plan shall be conducted in compliance with the Schedule for the same established pursuant to Administrative Rule 1.

B. Caseload Evaluation. The caseload evaluation shall factor in the disparate allocation of administrative duties among the judicial officers, as well as any special circumstances such as death penalty cases.

C. Special Service. Special service by: 1) Johnson County judicial officers outside their own courts; or, 2) special, senior

judges, or transfer Judges serving in the Johnson County Courts shall also be considered. Such service shall be calculated, in accordance with the Weighted Caseload Worksheet and criteria established by the Indiana Supreme Court Division of State Court Administration, to the nearest half day of service.

D. Caseload Allocation Plan Schedule. Pursuant to the evaluation of factors outlined in steps 1-3 above, changes necessary to ensure that the Johnson County Courts remain in compliance with the Order for Development of Local Caseload Plans shall be developed and approved by a majority vote of the judicial officers and shall become effective on January 1 of the following year, unless good cause is shown pursuant to Indiana Trial Rule 81.

E. Bi-annual Review. Pursuant to Indiana Administrative Rule 1, the Johnson County Caseload Allocation Plan is subject to review in odd-numbered years. In compliance with the rule, the next scheduled review will occur in 2017 based on data collected in 2016. Thus, a full Caseload Allocation review incorporating Superior Court No. 4 will not occur until 2017, based upon the caseload statistics from 2015 and 2016.

RULES FOR APPOINTMENT OF SPECIAL JUDGES IN CIVIL CASES

LR41 - TR79 - 063 Appointment of Special Judges in Civil Cases.
Appointment of Special Judges in Civil Cases shall be conducted pursuant to Indiana Judicial Administrative District Rule DR17 - TR79 - 00002.

LR41 - TR79 - 064. Reserved.
LR41 - TR79 - 065. Reserved.
LR41 - TR79 - 066. Reserved.
LR41 - TR79 - 067. Reserved.
LR41 - TR79 - 068. Reserved.
LR41 - TR79 - 069. Reserved.

JURY RULES

LR41 - JR00 - 070: Definitions.

A. *"Court"* shall mean the Circuit, Superior, and City Courts in Johnson County.

B. *"Jury Administrator"* is a person so appointed to administer and manage the jury process in a court by the Judge of the Circuit, Superior, or City Courts in Johnson County, to the extent permitted by Indiana law.

C. *"Jury Pool"* is a list of no less than nine thousand five hundred (9500) names drawn annually by Jury Administrators from voter registration and supplemental records.

D. *"Notice of Jury Service"* is a written document which accompanies the Juror Qualification and Questionnaire Form and provides general information regarding the juror selection process of the Johnson County Courts.

E. *"Juror Qualification and Questionnaire Form"* is a written document which solicits information from prospective jurors regarding statutory qualifications and exemptions.

F. *"Summons"* is a written documents which notifies a prospective juror of the dates and details of their jury service.

G. *"Quarterly Venire List"* is a random sub-set of the Jury Pool which shall be Requested from the Clerk of Courts by each Court's Jury Administrator. Unless otherwise directed by the presiding judge of each Court, the Quarterly Venire List shall be composed of five hundred (500) names.

LR41 - JR00 - 071: Effective Date.
In compliance with the Indiana Jury Rules, these amended rules shall become effective immediately upon execution in order govern juror selection proceedings on or after August 31, 2004.

LR41 - JR01 - 072: Scope.
The rules shall govern grand and petit jury assembly, selection, and the management of grand and petit juries in the Johnson County Courts.

LR41 - JR02 - 073: Initial Appointment of Jury Administrators.

A. Circuit and Superior Courts. The following are hereby appointed to act as Jury Administrators, to administer the jury assembly process under the supervision of the Judges of the Johnson County Circuit and Superior Courts.

1. Two (2) Jury Commissioners as appointed by the Judge of the Johnson Circuit Court pursuant to the Indiana Code.
2. Assistant Court Reporter / Bailiff of the Johnson Circuit Court.

3. Assistant Court Reporter / Bailiff of the Johnson Superior Court 1.
4. Assistant Court Reporter / Bailiff of the Johnson Superior Court 2.
5. Assistant Court Reporter / Bailiff of the Johnson Superior Court 3.
6. First Deputy Clerk of Courts, Voter Registration.

B. City Courts. To the extent permitted by Indiana law, the Judges of the Greenwood City Court and the Franklin City Court may appoint such Jury Administrators for their courts as necessary.

LR41 - JR02 - 074: Additional of Modification of Appointments.
Appointments as Jury Administrator shall be updated or modified, from time to time, as deemed necessary by any Judge of the Johnson County Circuit and Superior Courts.

LR41 - JR02 - 075: Assembly of the Jury Pool.

A. No later than November 25 of each calendar year, the Jury Pool shall be assembled for the next calendar year by randomly selecting names from the Johnson County Voter Registration Records and at least one of the following:
   1. Records of property tax payers maintained by the Johnson County Treasurer;
   2. Records of motor vehicle registrations from the Indiana Bureau of Motor Vehicles.

B. The determination of which record to be used in addition to Voter Registration Records shall be made by the Clerk of Courts.

LR41 - JR04 - 076: Summoning Jurors.
Jurors in the Johnson County Circuit and Superior Courts shall be summoned using a Two Tier Notice and Summons procedure.

A. At least quarterly, and pursuant to the schedule set forth below, the Clerk of Courts shall randomly draw the Quarterly Venire List from the Jury Pool provide the same to each Court.

B. The Quarterly Venire List from the Jury Pool shall be provided to each Court no later than December 1, March 1, June 1, and September 1 of each calendar year.

C. The Jury Administrator assigned to each Court shall mail to potential jurors, or cause to be mailed, the Notice of Jury Service and Juror Qualification and Questionnaire Form no later than December 8, March 8, June 8, and September 8 of each calendar year.

D. Not later than one (1) week before a jury panel for jury selection is needed, the Jury Administrator assigned to each Court shall mail, or cause to be mailed, the Summons of Jury Service which shall specify the specific dates for which the prospective juror shall remain on call for jury service.

LR41 - JR00 - 077. Assistance of Clerk of Courts.
At the discretion of the presiding Judge, the Jury Administrator assigned to each Court may receive technical, administrative, or clerical assistance in summoning prospective jurors from the Office of the Johnson County Clerk of Courts. See I.C. 33-4-11-10 and I.C. 33-4-11-15.

LR41 - JR05 - 078: Criteria for Disqualification.
Prospective jurors shall be found disqualified from jury service using that only that criteria which is expressly provided in the Indiana Code and / or the Indiana Jury Rules.

LR41 - JR06 - 079: Criteria for Exemption.
Prospective jurors shall be exempted from jury service using only those exemptions expressly provided in the Indiana Code and / or the Indiana Jury Rules.

LR41 - JR08 - 080: Documentation of Disqualification, Exemption, or Deferral.
Facts supporting disqualification, exemption, or deferral from jury service shall be provided to the Court, in writing, under oath or affirmation.

LR41 - JR09 - 081: Term of Jury Service.

A. A person who appears for service as a juror in a jury serves until the conclusion of the first trial in which the juror is sworn, regardless of the length of the trial or its manner of disposition.

B. A person who appears for service but is not selected and sworn as a juror completes the person's service when jury selection is completed.

C. A person who either:
   1. Serves as a juror; or,

2. Serves until the jury selection is completed, but is not chosen to serve as a juror; may not be selected for another jury panel until all nonexempt persons in the Jury Pool for that year have been called for jury duty; provided, however, jurors who are called for jury service are eligible to serve in any court in Johnson County on the day summoned.

LR41 - JR12 - 082: Record Keeping.
Records of the jury management in the Johnson County Courts shall be maintained, in written format, or electronic format, or both, by the Jury Administrator assigned to each individual Court.

A. Such records shall include, but are not limited to: annual jury pool, periodic list, jurors qualified, exemptions granted, deferrals granted, jurors who served, and / or terms of service.

B. The protocols for record keeping and retention established in each Court shall comply strictly with the standards established in the Indiana Code, Indiana Jury Rules, Indiana Administrative Rules, or otherwise provided by Indiana law.

LR41 - JR10 - 083: Juror Privacy.

A. Personal information relating to a juror or prospective juror not disclosed in open court is confidential, other than for the use of the parties and counsel.

B. Upon request, copies of the Juror Qualification and Questionnaire Form may be made available to counsel on the date of trial.
   1. All copies of the Juror Qualification and Questionnaire form so provided shall be returned to the Court at the completion of the jury selection process.
   2. No photocopies or duplicates of the Juror Qualification and Questionnaires shall be made, without specific Court authorization.

C. Each Court shall take steps to protect and maintain juror privacy and the confidentiality of juror information.

LR41 - JR00 - 084: Miscellaneous.
All other proceedings involving the assembly, selection, and management of juries in the Johnson County Circuit and Superior Courts shall be conducted as set out fully in the Indiana Jury Rules.

CRIMINAL RULES

LR41 - CR2.2 - 085: Authority and Scope.
These rules are hereby promulgated pursuant to the authority of the Indiana Criminal Rules. These rules shall govern the practice and procedure for the filing assignment of all felony and misdemeanor cases in the Johnson County Circuit and Superior Courts.

LR41 - CR2.2 - 086: Random Case Assignment.

A. Felonies. In conjunction with the Amended Johnson County Plan for Allocation of Judicial Resources, and subject to the provisions of LR41 - CR2.2 - 087 and LR41 - CR2.2 - 88, all cases involving Felonies shall assigned on a random and equal basis among the Johnson Circuit Court, Johnson Superior Court No. 2, and Johnson Superior Court No. 3.

B. Misdemeanors, Infractions, and Ordinance Violations. In conjunction with the Amended Johnson County Plan for Allocation of Judicial Resources, and subject to the provisions of LR41 - CR2.2 - 086 and LR41 - CR2.2 -87, Misdemeanors (CM), Infraction (IF), and Ordinance Violation (OV) cases shall be assigned to the Johnson Superior Court No. 3.

C. Miscellaneous Criminal Cases.
   1. Search Warrants. Miscellaneous Criminal cases opened for Search Warrants shall be assigned among the Johnson Circuit Court, Johnson Superior Court No. 1, Johnson Superior Court No. 2, Johnson Superior Court No. 3, and Johnson Superior Court No. 4 based upon the annual Judges' On-Call Schedule.
   2. Grand Jury. Miscellaneous Criminal cases opened for Grand Jury proceedings shall be opened in the court of the supervising Judge, pursuant to Rule LR41-CR00-091.
   3. General.
      a. Miscellaneous Criminal cases opened for rights advisements shall be filed in the Johnson Circuit and Superior Courts on a random and even basis;
      b. Miscellaneous Criminal cases opened for rights advisements and extraditions shall be heard by the Magistrate of the Johnson County Circuit and Superior Courts; and,
      c. Miscellaneous Criminal cases opened for probation transfers shall be assigned to the Johnson Circuit Court.

LR41 - CR2.2 - 087: Re-filings and Subsequent Filings.

A. Subsequent to Dismissals.
   1. In the event the State of Indiana dismisses a case or charge, any subsequent case or charge filed against the named defendant shall be assigned to the Court from which the dismissal was taken.
   2. It shall be the duty of the Prosecuting Attorney to bring this fact to the attention of the Clerk's Office when charges are re-filed.

B. New Causes of Action, Generally.
   1. Subject to the provision of subsection (c) below, in the event of the origination of a new cause of action against a defendant with an existing felony proceeding, the new cause of action shall be assigned to the Court administering the existing cause(s) of action.
   2. It shall be the duty of the Prosecuting Attorney to bring this fact to the attention of the Clerk's Office when the new charges are filed.

C. New Causes of Action, Probation Revocation.
   1. If the new felony cause of action filed against a defendant is supported by the same facts upon which a petition revoke probation or direct commitment to a Community Corrections program could be based, the new cause of action shall be assigned to the Circuit or Superior Court in which the related probation or commitment is being supervised.
   2. It shall be the duty of the Prosecuting Attorney to bring this fact to the attention of the Clerk's Office when such new charges are filed.

LR41 -CR2.2 - 088: Non-support of Dependants.

Charges of Nonsupport of a Dependent Child shall be assigned to the Johnson Circuit Court and heard in the Juvenile and Family Court by the Juvenile Magistrate as a Family Court proceeding. It shall be the duty of the Prosecuting Attorney to file the Family Court Identification Form with the Juvenile and Family Court.

LR41 - CR2.2 - 089: Reassignment.

A. Reassignment Pursuant to District Rule. In the event a change of Judge is granted, or it becomes necessary to assign another Judge in any felony or misdemeanor proceeding, the procedures of Indiana Judicial Administrative District Rule DR17-CR-00003 will be followed.

B. When Case is Transferred. If a Johnson County Judicial Officer is selected as Special Judge the case shall be transferred to the selected Johnson County Court.

C. Not a Limitation on Transfers. This rule is not intended to limit the authority of the Judges to transfer cases between the Courts by agreement of the Judges.

LR41 - CR13 - 090: Appointment of Special Judge.

In the event that no local Judge is available to accept reassignment of a case pursuant to LR41 - CR2.2 - 089, or the particular circumstance warrants selection of a special judge by the Indiana Supreme Court such case shall be certified to the Indiana Supreme Court for appointment of a Special Judge.

LR41 - CR00 - 091: Grand Jury Supervision.

A. The November 16, 2001 Standing Order Regarding Grand Jury Proceedings in the Johnson Circuit and Superior Courts is hereby VACATED.

B. Grand Jury supervision shall rotate among the Johnson Circuit Court, Johnson Superior Court No. 2, and Johnson Superior Court No. 3 in the following manner:
   1. Requests for a Grand Jury filed between January 1 and April 30 shall be supervised by the Johnson Circuit Court.
   2. Requests for a Grand Jury filed between May 1 and August 31 shall be supervised by the Johnson Superior Court No. 2.
   3. Requests for a Grand Jury filed between September 1 and December 31 shall be supervised by the Johnson Superior Court No. 3.

C. The Court's Jury Administrator shall, at the time of the creation of the Quarterly Venire List pursuant to the Amended Local Rules Regarding Selection Of Procedures For Juror Selection, randomly draw the names of twelve (12) Grand Jurors to serve as such.

D. Any new criminal case filings which result from Grand Jury Proceedings shall be filed in the Court in which the Grand Jury Proceedings were held, as an exception to LR41 - CR2.2 - 086.

DOMESTIC RELATIONS RULES

LR41 - FL00 - 093: Authority.
These rules are promulgated pursuant to the authority of the Indiana Rules of Trial Procedure, Trial Rule 81, and are intended to supplement those rules. These rules shall govern the practice and procedure in all Domestic Relations and Paternity cases in the Johnson County Circuit and Superior Courts.

LR41 - FL00 -094: Temporary Restraining Orders.

A. Domestic Violence. Parties wishing protection from domestic or family violence in Domestic Relations cases may petition the Court pursuant to Indiana Code 34-26-5.

B. Without Notice. A Temporary Restraining Order may be granted without written or oral notice to the adverse Party or his attorney only if:
   1. it clearly appears from specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss, or damage will result to the applicant before the adverse Party or his attorney can be heard in opposition; and
   2. the applicant's attorney certifies to the court in writing the efforts, if any, which have been made to give notice and the reasons supporting his claim that notice should not be required.

C. Subject to the provisions of Indiana Trial Rule 65(B) and (E), in an action for dissolution of marriage, legal separation, or child support, the Court may issue a Temporary Restraining Order, without hearing or security, if either Party files a verified petition alleging an injury would result to the moving Party if no immediate order were issued.
   1. Joint Order. If the Court finds that an order shall be entered, the Court may enjoin both Parties from:
      a. Transferring, encumbering, concealing, selling or otherwise disposing of any joint property of the Parties or asset of marriage without the written consent of the Parties or the permission of the Court; and / or
      b. Removing any child of the Parties then residing in the State of Indiana from the State with the intent to deprive the Court of jurisdiction over such child without prior written consent of all Parties or the permission of the Court.
   2. Separate Petitions and Orders.
      a A joint or mutual restraining or order of protection shall not be issued.
      b. If both Parties allege injury, they shall do so by separate petitions. The Court shall review each petition separately and rule on each petition on its individual merits.
      c. The moving Party shall provide the Court with the following information concerning the non-moving Party:

1.	Name	7.	Existence and Location of Scars, Tattoos and/or Other Identifiable Characteristics
2.	Date of Birth	8.	Home Address
3.	Race	9.	Home Telephone Number
4.	Gender	10.	Work Address
5.	Height	11.	Work Contact Number
6.	Weight	12.	Work Schedule

      d. In the event a Party seeks to enjoin the non-moving Party from abusing, harassing, disturbing the peace, committing a battery on the moving Party or any child or step-child of the Parties, or exclude the nonmoving Party from the marital residence, and the Court determines that an order shall be issued, such order shall be addressed to one person.

D. Unless appropriate under Indiana Code 34-26-5, the Court will not issue a custody order ex parte under any circumstances. Priority will be given to hear emergency matters, if necessary.

LR41 - FL00 - 095: Financial Declarations.

A. In any contested final hearing or any modification hearing involving child custody, support, division of assets or debts, the Parties will file an updated financial declaration accompanied with wage records and tax returns within five (5) days of trial.

B. If the matter is set for a preliminary hearing, the financial declaration must be filed no later than the day of the hearing.

LR41 - FL00 - 096: Child Support Worksheets.
In all matters regarding child support issues, the Parties shall, on or before the date of the hearing:

A. file a Child Support Obligation Worksheet, including, when appropriate, the Post-Secondary Education Worksheet and /or a Parenting Time Credit Worksheet; and

B. supporting documentation to establish proof of current income and income earned during the prior tax year.

LR41 - FL00 -097: Sanctions.
Failure to comply with LR41 - FL00 - 095 or LR41 - FL00 - 096 herein subjects any person in non-compliance to sanctions as the Court may deem appropriate or remedial including but not limited to exclusion of evidence, attorney fees, or continuance.

LR41 - FL00 - 098: Child Support.
When Parties contend deviation from the Child Support Rules and Guidelines is appropriate, they shall indicate the reasons for deviation on the worksheet or in an attachment.

LR41 - FL00 - 099: Parenting Time Guidelines.
A. General Rule. In cases where the final decree or order is entered on or after March 31, 2001, the Johnson County Circuit and Superior Courts will use the Indiana Parenting Time Guidelines.
B. Previously issued orders. Orders issued pursuant to, or incorporating by reference, earlier versions of the Johnson County Visitation Guidelines will continue to be interpreted and enforced pursuant to those guidelines until modified, in writing, by the issuing court.

LR41 - FL00 - 100: Mediation.
A. General Rule. Mediation shall be required on all Petitions for Dissolution of Marriage, Petitions to Establish Paternity, and Petitions to Modify without regard to the anticipated length of trial.
B. Contempt Proceedings. Mediation shall be required on Contempt Proceedings (i.e., Petitions for Order to Show Cause, etc.) that will take longer than one (1) hour to try.
C. Scope. This Rule shall not apply to those issues in which the State of Indiana represents a Party.

LR41 - FL00 - 101: Hearings.
Either Party will notify the Court in a praecipe for final hearing, and update that notice two (2) days prior to trial, of the anticipated length of the case so that the Court can determine whether to remove alternative choice settings.

LR41 - FL00 - 102: Physical Custody.
A. Separate Praecipe. In an original action, whenever the temporary physical custody of a child or children is at issue between the parents, and if it is anticipated that more than twenty (20) minutes will be required for the presentation of evidence on the issue, the Party requesting more than twenty (20) minutes of the court's time shall petition separately therefore.
   1. In such petition, the moving Party shall estimate the amount of time needed for the presentation of evidence on the issue of temporary physical custody, and shall also designate other issues known or likely to exist, including those pertaining to spousal maintenance, support, temporary possession of the marital residence, restraining or protective orders, and conditions or restrictions on parenting time access.
   2. Any such petition shall be filed as soon as practicable after the issue is known to exist, and in any event, not less than three (3) days prior to a previously established hearing date concerning preliminary or provisional orders. The moving Party shall submit an order establishing a new hearing date, and the court may, in its discretion, continue the scheduled hearing date to a date on which all pending issues may be heard and determined.
   3. Financial Declarations. Financial Declarations and supporting documentation of income and earnings shall be filed and exchanged not less than twenty-four (24) hours prior to the scheduled hearing date, the provision of LR41 - FL00 - 095 notwithstanding. Failure by a Party to comply with any provisions of this rule may result in LR41 - FL00 - 097 sanctions, or any other sanctions deemed reasonable by the court, including the exclusion of evidence offered on behalf of the offending Party.
   4. Nothing in this rule shall limit the court in its regulation of the manner and order of proof, or in the conduct of the proceedings.
   5. Preliminary Hearing Transcript. If permanent physical custody of a child or children is at issue at the time of the final hearing, upon request by either Party or by the court sua sponte, the Official Court Reporter shall prepare and certify a transcript of the preliminary hearing.
      a. Any request for a transcript pursuant to this rule shall be made pursuant to the Local Rules on Court Reporters (LR41 - AR15 - 028 through LR41 - AR15 - 031), not less than thirty (30) days prior to the final hearing.
      b. Copies of the transcript shall be provided to the Parties, who shall divide equally the cost of such transcription, subject to reallocation by the court at the time of the final hearing.
      c. The Indiana Rules of Evidence shall govern the use or admissibility of the transcript at the time of the

final hearing.

6. The provisions of this rule do not preclude the right to seek an emergency hearing upon appropriate grounds or under warranting circumstances.

LR41 - FL00 - 103: Continuances.
All motions for continuance must be filed at least three (3) days before trial. The motion must state the opposing Party has been notified (or a good faith attempt at notification has been made) and must state whether the opposing Party objects if known. A motion for continuance filed less than (3) days prior to trial must allege extenuating circumstances as to why the continuance is not filed timely and will be considered on a case by case basis.

LR41 - FL00 - 104: Summary Adjudication.
The Courts prefer, if possible, the summary presentation and adjudication of preliminary hearings, contempt hearings and compliance hearings.

LR41 - FL00 - 105: Termination of Representative Capacity.

A. Upon entry of a final dispositional order or an order of modification of any custody, parenting time and/or child support order, the representative capacity of all attorneys appearing on behalf of any Party shall be deemed terminated upon:
   1. An order of withdrawal granted by the presiding Court;
   2. The expiration of time within which an appeal of such Order may be preserved or perfected pursuant to the Indiana Rules of Trial Procedure and/or the Indiana Rules of Appellate Procedure; or,
   3. The conclusion of any appeal of such Order commenced pursuant to Indiana Rules of Trial Procedure and/or the Indiana Rules of Appellate Procedure.
B. The service of any post dissolution pleadings upon any Party not represented by counsel pursuant to paragraph A above, shall be made upon that person pursuant to the Indiana Rules of Trial Procedure.
C. Any copy served upon original counsel will be deemed to be a matter of professional courtesy only, without substantive legal effect.
D. Any withdrawal or appearance shall include the last known address of the Party.

LR41 - FL00 - 106: "Families in Transition" Program.

A. When Required for Parents. Parties in all Dissolution and Legal Separation cases must immediately enroll in and complete the Families in Transition program if there are children from the marriage under the age of sixteen (16) years of age.
B. When Required for Children. As of the date of the filing of the Petition for Dissolution or Legal Separation if there are children of the marriage between the ages of eight (8) and sixteen (16) years old, the children must enroll in and complete the program with their custodial parent(s).
C. Waiver. The Court shall consider a written waiver under this Rule, in extraordinary circumstances, on a case by case basis.
D. Submission of Proposed Order. Pursuant to this rule, the Petitioner must submit the following Order, with all information provided therein, at the time the Petition for Dissolution or Legal Separation is filed and the a Court will send a copy of the Order to the Johnson County Youth Connection, and the attorneys (or Parties if they are unrepresented). It is the duty of the attorney to provide a copy of the Order to the Parties.
E. Other Programs. The Court may consider allowing the use of other similar programs outside of Johnson County and/or the State of Indiana upon proper application.

PROBATE RULES

LR41 - PR00 - 107: Scope.
These Amended Johnson County Probate Rules shall apply in all probate matters filed in the Circuit and Superior Courts in Johnson County, Indiana.

LR41 - PR00 - 108: Accountings Reports and Procedures.

A. Documentation of Disbursements. In all Supervised Estates and Guardianship accounts, affidavits in lieu of Ability to occasionally work weekend, evening, and/or extended hours, and occasionally travel out of town, sometimes overnight.
B. The Personal Representative or Guardian shall procure and maintain receipts or proof of payment and make such receipts or proof of payment available to interested persons upon Court Order.
C. Public or Pension Benefits. All Social Security, Medicare, pension benefits, or other benefits, including IRS distributions, received on behalf of an incapacitated person or minor shall be included and accounted for in the Guardianship accounting,

unless Court approval has been previously granted to allow said funds to be paid directly to a residential or health care facility.

D. Disbursements to the Fiduciary.

1. In Supervised Estates, disbursements by the Personal Representative to herself / himself shall be made only with complete documentation and / or original receipts which document the date, amount, and reason for the disbursement.
2. In Guardianships, the Guardian shall make no disbursement to herself / himself without prior Court order. A Guardian may petition the Court for authorization to disburse Guardianship funds to herself / himself by regular and periodic advances, if:
   a. the Guardian is providing care to the incapacitated person and is allocating a portion of the Guardian's regular periodic expenses for the incapacitated person's care; and,
   b. the Guardian's written request is supported by itemization of the past regular periodic expenses incurred and the proposed allocation of the expenses between the Guardian and the incapacitated person.

E. Accounting Schedule Formats. Accountings in Supervised Estates and in Guardianships shall be presented in the following schedules and format and in accordance with the Indiana Code. Informal, handwritten or transactional accountings will not be accepted.

1. Schedule 1: All Property Chargeable to the Personal Representative or Guardian.
   a. The property held by the Personal Representative or Guardian may be established by reference to the Personal Representative's or Guardian's Inventory or most recent Accounting.
   b. Additional property chargeable to the Personal Representative or Guardian during the period of the accounting shall be identified as follows as to each new item of property:
      1. a description of the property;
      2. an amount received or value of the property;
      3. the income from principal shall include the property from which the income was received.
   c. A report of change in the property held, such as a change in investment, shall include the following:
      1. the description of the property sold, changed or lost;
      2. any gain or loss resulting from the transaction;
      3. the description of the property received, purchased or obtained.
2. Schedule 2: Payments, Charges, Losses and Distributions. Each disbursement shall be reported, including the following information:
   a. the payee;
   b. check number or other identifying number on the instrument;
   c. the amount disbursed; and,
   d. the description of the reason for the disbursement sufficient to substantiate the reason for the disbursement as part of the administration of the Estate or Guardianship or the support of the incapacitated person or minor, if the reason for disbursement is not apparent from the description of the payee.
3. Schedule 3: Property at the End of the Period of Accounting.
   a. The property held by the Personal Representative or Guardian at the end of the period of account shall be identified as follows:
      1. an itemization of the property held by a description of property, asset or investment;
      2. the value of the property, asset or investment as of the date of the end of the accounting period;
      3. the basis for valuation of the property, asset, or investment, unless previously provided in the Inventory;
      4. the market valuation at the end of the period of accounting if the intangible personal property is subject to market fluctuation.
   b. The proposed distributions in Supervised Estates shall specifically set forth the payee and the property to be distributed.
   c. In testate administration, the proposed distribution shall refer to the provision of the Will that authorizes the proposed distribution.
   d. In intestate succession, the account shall include an heirship affidavit.
   e. Administration Longer than One Year. Whenever a Supervised Estate cannot be closed within twelve (12) months, an intermediate report of account shall be filed with the Court within thirty (30) days after the expiration of the year and any succeeding year thereafter. Such report of accounting shall comply with the provisions of the Indiana Code and shall also include the following:
      1. all facts showing why the Estate cannot be closed and an estimated date of closing.

2. a proposal for partial distribution of the Estate to the extent that partial distribution can be made without prejudice to distributees and claimants.

f. Tax Forms. The Federal Estate Tax Closing Letter and the Indiana Inheritance Tax Closing Letter (or the counter-signed receipt) or an electronic reproduction, showing payment of all Federal Estate and/or Indiana Inheritance Tax liability in the Estate, executed by the Internal Revenue Service or the Indiana Department of Revenue, shall be attached to the Final Report.

LR41 - PR00 - 109: Adoption.

A. Scheduling of Hearings. No hearing on a Petition for Adoption will be scheduled until all reports, affidavits, and consents required by the Indiana Code are on file with the Court.

B. Scheduling of Final Hearing -- Proof of Stability. No final hearings in Adoption proceedings shall be scheduled without a written offer of proof of stability in the adoptive placement. Indications of such stability may include, but are not limited to:

1. Placement of the child in the home of the adoptive parent(s) for at least three (3) months; or,
2. Length of marriage of the adoptive parents.

LR41 - PR00 - 110: Appointment of a Fiduciary.

A. Petition Contents. Request for appointment as Personal Representative or Guardian shall be made by verified application for appointment containing information as to the Petitioner's qualification to serve as Personal Representative or Guardian. The following information regarding the Petitioner is deemed relevant to the Petitioner's qualification to serve as Personal Representative or Guardian:

1. address;
2. educational background;
3. current employment;
4. any prior experience in financial management, including investments and checkbook management;
5. any prior felony convictions;
6. a statement that the Petitioner has attained the age of majority and is not incapacitated for a reason other than physical illness, impairment, or infirmity; and,
7. a statement that
   a. the counsel for the Petitioner has been provided with the Petitioner's Social Security Number and Date of Birth; and,
   b. authorizes the release of the same to the Court in the event of breach of any legal or Fiduciary duty.

B. Petition Form. The Verified Application for Appointment of Personal Representative or Guardian shall be substantially in the form of Johnson County Probate Form 1. In lieu of Johnson County Probate Form 1, the information may be included in the Petition to Open Estate.

C. Appearance Not Required. A Petitioner need not appear before the Court to qualify as Personal Representative.

LR41 - PR00 - 111: Address Changes of Fiduciary.

A Personal Representative or Guardian who changes address shall advise the Court in writing of the new address within thirty (30) days of the change.

L.R41 - PR00 - 112: Bond and Alternatives Thereto.

A. When Bond Not Required. Subject to the discretion of the Court and to the requirements of the Indiana Code, bond shall not be required if:

1. the Decedent's Will requests that a domiciliary Personal Representative be permitted to serve without bond;
2. all beneficiaries or heirs consent to a domiciliary Personal Representative serving without bond; or,
3. the Fiduciary serving in a Supervised Estate or Guardianship is a corporate banking Fiduciary which is legally qualified to so serve.

B. Alternative to Bond. In lieu of a bond otherwise required by law or by the Court, a Fiduciary may restrict transfer of all or part of the liquid assets of an Estate or Guardianship by placing those assets in a federally-insured financial institution with the following restriction placed on the face of the account or document:

NO PRINCIPAL OR INTEREST SHALL BE WITHDRAWN WITHOUT
WRITTEN ORDER OF THE JOHNSON CIRCUIT OR SUPERIOR COURT.

A certification, by an officer of the financial institution at which the account has been created, which states that the account is restricted as required by the Court and that the financial institution will honor the restriction, shall be filed with the court within ten (10) days of the Order authorizing a restricted account. An acceptance of the terms of the

restriction by the Fiduciary shall also be filed with the Court. The certification shall be substantially in accordance with the form of Johnson County Probate Form 2.

LR41 - PR00 - 113: Claims.
Form. Claims shall be filed on forms substantially in accordance with Johnson County Probate Form 3.

LR41 - PR00 - 114: Effective Date.
These rules shall become effective in all probate matters upon execution by the judge(s) exercising probate jurisdiction in Johnson County, Indiana.

LR41 - PR00 - 115: Fees.

A. Fee schedules established. Fee schedules for attorneys and fiduciaries in probate matters shall be approved and implemented on an annual basis in compliance with the remaining provisions in this rule. See Appendix I.

B. Objectives for Fee Schedules. These Guidelines for Fees in Estates were developed by the Probate Committee of the Johnson County Bar Association, which are herein adopted by the Court. These Guidelines are intended to achieve the following objectives:
   1. establish uniformity throughout the County in determining a fair and reasonable fee for Supervised Estates;
   2. provide a guideline to assist the Court in determining fair and reasonable fees;
   3. furnish guidelines to attorneys so they can discuss fees that may be reasonably incurred with their clients at the onset of administration; and,
   4. assist the legal profession to arrive at a fair and reasonable fee for Estate work.

C. Use of Schedule. The schedule is NOT a minimum fee schedule, but a suggested maximum fee schedule. Every attorney and Personal Representative has an obligation to request a fee which is fair and reasonable for the work performed, taking into account Indiana Rules of Professional Conduct. In an uncomplicated Estate, fees should be less than the maximum fees listed in this schedule, and fees should always bear a reasonable relationship to the services rendered.

D. Guidelines for Fees in Estates.
   1. While these Guidelines are recommended, they are neither mandatory nor binding on attorneys or the Court.
   2. The guiding criteria to be considered when setting a fee include, but are not limited to, the following:
      a. the time and labor required, the novelty, complexity, or difficulty of the questions involved, the skill required to perform the services properly, and shall include a determination as to how much of the attorney's time was devoted to legal matters and how much of it was devoted to ministerial functions;
      b. the nature and extent of the responsibilities assumed by the attorney and the results obtained, and shall include the considerations of the identity of the Personal Representative and the character of the probate and non-probate transferred assets;
      c. the sufficiency of assets properly available to pay for legal services, and shall consider whether the attorney's duties are expanded by the existence of non-probate assets because of their inclusion for tax purposes, both federal and state; and,
      d. the timeliness with which the necessary services are performed consistent with statutory requirements, the Court's rules of procedure and the Rules of Professional Conduct applicable thereto.
   3. In considering all of these criteria, all attorneys are expected to discuss with their client(s) their fee, and that of the Personal Representative, at the time they are retained in Probate matters.
   4. In the event of a dispute of fees requested, the Court will consider records of time spent and / or work performed by the Attorney and Fiduciary.

E. Payment from Estate or Guardianship. No fees for Fiduciaries or attorneys, except corporate transactional fees, shall be paid out of any Supervised Estate or Guardianship without prior written order of the Court.

LR41 - PR00 - 116: Filing of Pleadings.

A. Self-addressed Envelopes Required.
   1. Subject to the subsection C below, all original pleadings filed with the Court shall be accompanied by self-addressed, stamped envelopes.
   2. All proposed orders shall be accompanied with self-addressed, stamped envelopes for return, and, if necessary, for distribution to parties or beneficiaries.
   3. Failure to provide self-addressed, stamped envelopes will result in the return of file-stamped copies via Courthouse Mail Box. If an attorney or Fiduciary does not have a Courthouse Mail Box, file stamped copies will be held at the Court until collected.

B. Preferred Filing Method. Pleadings, including Inventories, Inheritance Tax Schedules, Reports and Accountings, shall

be filed in accordance with Trial Rule 5(F).

1. After a case is opened, filing directly with the Court under Trial Rule 5(F)(5) is preferred.
2. If the Court Office is closed, pleadings should be filed with the Clerk of the Court.

C. Proposed Orders Required.

1. A moving party shall provide proposed orders for rulings. Proposed Orders on contested hearings should be submitted in electronic format.
2. Proposed Letters Testamentary, Letters of Administration or Letters of Guardianship shall be filed with the Petition for Appointment.
3. Exceptions from this general rule shall be granted for Orders on Determination of Inheritance Tax or as expressly directed by the Court.

D. Attorney Contact Information. All pleadings filed shall contain the attorney's name, attorney number, office address and telephone number.

LR41 - PR00 - 117: Guardianships.

A. Guardianship of an Incapacitated Adult. In all Guardianship matters seeking to declare an adult incapacitated, the Petitioner may submit with the petition any supporting documents.

1. Supporting documents may include physician reports, medical records, statements of qualified witnesses, photographs, police information, etc.
2. The admissibility of documents submitted with the Petition at hearing shall be subject to the Indiana Rules of Evidence.
3. If a Physician's Report is submitted, the Physician's Report shall substantially comply with Johnson County Probate Form No. 4.

B. Guardianship of a Minor. In every petition for the appointment of a Guardian of the person of a minor child, the following information shall be given:

1. the child's present address and the name(s) of the person(s) with whom the child resides;
2. the location(s) at which the child has lived within the past two years and the names and present addresses of the person(s) with whom the child has lived during that period, if different from the present information;
3. whether, to Petitioner's knowledge, any other litigation is pending concerning the custody of the child in this or any other state;
4. whether, to Petitioner's knowledge, any person not a party to the Guardianship proceeding has physical custody of the child or claims to have custody or visitation rights with respect to the child; and,
5. whether, to Petitioner's knowledge, any other Court has issued a custody order.

C. Veterans' Administration Rules and Regulations. Nothing herein shall be deemed as amending, superseding or altering the Probate Rules and Regulations promulgated by the United States Department of Veterans' Affairs, and every Fiduciary and attorney shall comply with same, where applicable.

LR41 - PR00 - 118: Inheritance Tax.

All pleadings pertaining to the assessment or determination of the Indiana Inheritance Tax, including a Petition for Determination of No Tax Due, and any orders thereon shall be served upon the County Assessor.

LR41 - PR00 - 119: Instructions to Personal Representatives and Guardians.

A. Instructions Required Prior to Appointment. The Instructions to the Personal Representative or Guardian, executed by the Fiduciary, must be filed with the Court prior to Court appointment and the issuance of letters.

B. Forms.

1. The preferred form for Instructions to the Personal Representative in Supervised Estates is set forth in Johnson County Probate Form 5.
2. The preferred form for Instructions to the Personal Representative in Unsupervised Estates is set forth in Johnson County Probate Form 6.
3. The preferred form for Instructions to the Guardian is set forth in Johnson County Probate Form 7.

LR41 - PR00 - 120: Inventory.

A. Partial Inventories. Each partial inventory shall be denominated as a partial inventory.

B. Supervised Estates. In Supervised Estates, any written appraisals or evidence of value obtained to comply with the Indiana Code shall be attached as Exhibits to the Inventory or Inventories filed with the Court.

C. Unsupervised Estates. In Unsupervised Estates, the Personal Representative shall file a verified written certification with the Court within two (2) months of Court appointment that the Inventory required under the Indiana Code has been

prepared and is available to a distributee who requests a copy.

LR41 - PR00 - 121: Interpretation.

A. These rules are intended to supplement the provisions of the Indiana Probate Code.

B. Unless reference is made by Probate Rule to a specific form of probate proceeding, the Johnson County Probate Rules shall be generally applicable to all forms of probate proceedings.

C. Any provision of these rules which is not also required by law may be waived by the Court for good cause shown following a written request.

LR41 - PR00 - 122: Minors Settlements.

A. Guardian ad Litem. In accordance with the Indiana Code, a Guardian ad litem may be appointed to protect the best interest of the minor and investigate the proposed settlement.

B. Evidentiary Hearing. At least one (1) evidentiary hearing shall be held in order to fully and independently satisfy the Court that the requested settlement fully protects the minor's rights and interests.

C. Minors Consent to Settlement. If the minor is at least fourteen (14) years of age, the proposed settlement shall be accompanied by a written consent to settlement by the minor.

D. Attendance at Hearings.

1. The custodial parent and / or the Guardian must be present at the evidentiary hearing.
2. A minor who is at least the age of fourteen (14) years shall attend the hearing.
3. Minors younger than fourteen (14) years of age may be required to appear at hearing.
4. Unless written consent is provided to the Court, notice of hearing shall be provided to a non-custodial parent.

E. Limited Settlements or Administration.

1. If the funds originating from a minor's settlement are less than the amount requiring establishment of Guardianship under the Indiana Code or if a Guardian of a minor's Estate is appointed for the limited purpose of administration of the minor's settlement, the Court will accept deposit of the minor's settlement in a restricted account at a federally insured financial institution or in a Court approved investment in lieu of any other requirement for inventory and accounting subject to affirmation on biennial account that the funds remain on deposit.
2. Any such restricted account must provide that no principal or interest may be withdrawn from the account without a written order of the Court, and with the following restriction placed on the face of the account or in the investment document:

NO PRINCIPAL OR INTEREST SHALL BE WITHDRAWN WITHOUT
WRITTEN ORDER OF THE JOHNSON CIRCUIT OR SUPERIOR COURT

F. Certification. Within ten (10) days of an Order authorizing the creation of the account or investment, a certificate by an officer of the institution at which the account or investment has been created shall be filed with the Court which affirms that the account or investment is restricted as required by Court order and is in compliance with this rule. The Guardian and the financial institution shall both promptly notify the Court in the event that any principal or interest is withdrawn from the account without Court authorization.

G. Application of Guardianship Law. Minors Settlements shall otherwise be subject to the requirements for Guardianship, including the filing of inventory and accounting in Guardianships.

H. Attorney Fees. Attorney fees for representing a minor in settlement of a claim for personal injuries are subject to Court approval. If the entire attorney fee is to be paid at the same time a structured settlement is approved, the amount of the fee must be based on the present value of the settlement.

LR41 - PR00 - 123: Notices.

A. List of Notice Recipients. In each Estate, the Personal Representative shall prepare a List of Notice Recipients (Clerk's Certificate of Mailing).

1. The List of Notice Recipients shall include the names and addresses of all heirs, devisees, legatees, creditors, and organizations entitled to Notice of Administration.
2. The List of Notice Recipients of Notice of Administration shall be provided to the Clerk.

B. Notices of Administration.

1. The Personal Representative shall provide to the Clerk;
   A. a copy of the Notice of Administration for each person included in the List of Notice Recipients; and,
   B. a Clerk's Certificate of Mailing.
2. Following the issuance of the Notice of Administration, the Clerk of the Court shall execute and file the Certificate of Mailing Notice.

C. Forms and Copies of Notice. Whenever notice by publication and / or written notice by U.S. Mail is required to be given, the party responsible for providing notice shall prepare such notice and submit it to the Clerk for service.
   1. The notifying party shall provide the number of copies of the notice to be served sufficient to serve all persons to be so notified.
   2. The notifying party shall provide a Clerk's Certificate of Mailing, to be executed by the Clerk, with all notices issued by United States Mail.
   3. Notice shall issue by the Clerk as provided by Indiana Code or Indiana Trial Rules.
   4. The form of the notice provided shall comply with all statutory requirements. It is the notifying party's responsibility to adequately document perfection of notice prior to seeking Court action on any matter.

C. Notice of Hearings. If a hearing is scheduled on a particular matter, for which notice is statutorily required, a copy of the relevant petition or motion shall be served with the notice of hearing. In a hearing on an account in an Estate or Guardianship, a copy of the account must be served with the notice of hearing.

LR41 - PR00 - 124: Sale or Transfer of Real Property.

A. Documentation of Value. In all Supervised Estates and Guardianships in which real property is to be sold, a written appraisal or market analysis by a qualified real estate professional shall be filed with the Petition for Sale, unless such document was previously filed with the Inventory. Such written appraisal or market analysis shall include, at a minimum, the following information:
   1. a brief description of the property interest being appraised or valued, including the full legal description thereof;
   2. purpose or objective of the appraisal or valuation;
   3. date for which Fair Market Value is determined;
   4. if valuation is established through the comparable method of valuation, identification of the comparable sales used to value the subject property as well as identification of all adjustments made to the comparable sale to determine the fair market value of the subject property;
   5. if valuation is established through another method of valuation, all data and reasoning that supports the Fair Market Value;
   6. the Fair Market Value determined;
   7. a statement of assumption and special or limiting conditions;
   8. the qualification and background of the real estate professional;
   9. certification of disinterest in the real property;
   10. signature of appraiser / analyst.

B. Limitations Period for Valuation. The appraisal or market analysis shall be made within one (1) year of the date of the Petition for Sale.

C. Deeds. All deeds submitted to the Court for approval, shall be signed by the Fiduciary and the signature notarized prior to its submission.
   1. All such deeds shall be submitted with either the Petition to Sell Real Estate or the Report of Sale of Real Estate or at the time of the hearing on the Final Account.
   2. Whenever a Final Decree reflects that real estate is vesting in the heirs or beneficiaries of the Estate, the Decree shall be recorded with the County Recorder of the County where any such real Estate is located, and evidence of said recording shall be provided to the Court with the Supplemental Report.

LR41 - PR00 - 125: Sale of Personal Property.

A. Documentation of Value. In all Supervised Estates and Guardianships in which personal property is to be sold, a written basis for valuation shall be filed with the Court with the Petition for Sale, unless such document was previously filed with the Inventory. The written basis for valuation shall include the following information:
   1. brief description of the property to be sold;
   2. the date and basis of valuation;
   3. the qualifications of the person providing the valuation or the authoritative nature of the source from which the valuation was obtained, including authoritative sources accessed by electronic media;
   4. factors which would affect the value of the subject property.

B. Limitations Period for Valuation. Written basis for valuation shall be made within one (1) year of the date of the Petition for Sale.

C. Written Valuation Not Required. No written valuation shall be required for the sale of assets which are publicly traded or sold at public auction.

LR41 - PR00 - 126: Supplemental Report.

A supplemental report filed pursuant to the Indiana Code, the Indiana Trial Rules, or Court Order shall be filed within ninety (90) days after entry of the Order Approving Account. If any supplemental report cannot be filed in a timely manner, the Fiduciary shall file a written explanation.

LR41 - PR00 - 127: Trusts.

A. Any Petition to Docket Trust shall be served upon the Trustee.

B. The Trustee shall promptly file with the Court written notice of the name and address of each beneficiary known to the Trustee.

C. All additional pleadings and any notice of hearing shall be served upon all beneficiaries of the trust, whether the nature of the interest is present, future, vested, or contingent.

LR41 - PR00 - 128: Title And Citation.

These Rules shall be known as the Johnson County Probate Rules and shall be cited as Johnson County Probate Rules, LR41 - PO00 - 107 through LR41 - PO00 - 129.

LR41 - PR00 - 129: Unsupervised Administration.

A. Tax Documentation. Proof of payment of all required federal and state taxes shall be attached to the Closing Statement. Such proof shall be documented by either the Federal Estate Tax Closing Letter and the Indiana Inheritance Tax Closing Letter (or the counter-signed receipt) or photocopies thereof.

B. Conversion to Supervised Administration. In an Unsupervised Estate, if the jurisdiction of the Court is invoked for any matter other than the judicial functions which are standard for unsupervised administration (i.e., opening the Estate, determining any inheritance tax due, and accepting the Closing Statement), the administration shall become a Supervised administration for all purposes. In that event, the Fiduciary and attorney shall give notice of such administration to all heirs, legatees, devisees, and other interested persons.

LR41 - PR00 - 130: Wrongful Death Estates.

A. Court Approval of Settlements Required. All proposed wrongful death settlements must be approved by the Court, regardless of the type of estate administration.

B. Administration Longer than One Year. If an Estate remains open in excess of one (1) year, the Personal Representative shall file a status report as to any wrongful death claims.

1. If an action to prosecute a civil wrongful death action is pending, the report shall show the case number, the Court in which the action is pending and the date of any current settings of the case.
2. A report shall be filed annually thereafter, on the anniversary date of the Personal Representative's appointment, until the Estate is closed.

C. Petition Approving Distribution. When a judgment has been paid or a petition for approval of settlement is filed in any Estate, a petition for approval of distribution shall be filed indicating the proposed distribution in accordance with the Indiana Code.

1. Such petition must set out the proposed distribution to the appropriate statutory damage distributees, such as:
   a. expenses of administration;
   b. providers of funeral and burial expenses;
   c. providers of medical expenses in connection with last illness of Decedent;
   d. surviving spouse;
   e. dependent children;
   f. dependent next of kin (if there is no surviving spouse or dependent children).
2. A proposed order shall be presented to the Court, ordering distribution in accordance with the Indiana Code and requiring the filing of a supplemental report of distribution of the wrongful death proceeds.

APPENDIX I
FEE SCHEDULE (2005)

I. Attorney's Fees.

A. Administration. Gross Estate services are considered to normally include: Opening of the Estate, qualifying the Personal Representative, preparing and filing the Inventory, paying claims, collecting assets, preparing and filing non-extraordinary petitions, preparing and filing the Inheritance Tax Schedule, obtaining the Court Order thereon and paying the taxes, preparing and filing the Final Report and schedules, obtaining Order approving same, distributing assets, obtaining discharge of the Personal Representative, and preparing and serving all notices on

interested parties and readily ascertainable creditors throughout the proceedings.
This list shall not be considered to be exclusive:

Gross Estate Value:	*Maximum Fee %:*
Up to $100,000.00	6%
Next $200,000.00	4%
Next $700,000.00	3%
Excess over $1,000,000.00	1%

B. Miscellaneous. Other non Probate: Probate Will only: Small Estate settlement procedure: Inheritance Tax Schedule: Federal Estate Tax Return: etc. may be addressed on an hourly basis if not included in I above by considering the time involved, service rendered, attorney's expertise and other considerations as set forth by the Code of Professional Conduct.

C. Wrongful Death Administration.

Work Performed:	*Maximum Fee %:*
Settlement prior to filing.	25%
Settlement after filing but before trial.	33 1/3%
Trial.	40%
Appeal, or extra work.	50%

D. General. Unless the entire Estate is handled on an hourly basis, fees will be paid for hourly services only as set forth above or approved by the Court.

E. Unsupervised Estates. Due to the general lack of judicial involvement therein, the Court will not rule on fee requests or order fee awards in Unsupervised Estates.

II. Personal Representative's Fees

A. Professional Personal Representatives.

1. A professional Personal Representative is hereby defined as a person or corporation which regularly acts as a Personal Representative and has expertise in such matters.
2. A professional Personal Representative's applicable reasonable rate will be reviewed in light of all prevailing circumstances.

B. Non-Professional Personal Representatives. Fees for non-professional Personal Representatives shall normally be within the range from one-half (2) of attorney fees not to exceed the maximum attorney's fees allowed under this schedule.

C. Attorneys as Personal Representatives. When the attorney also serves as the Personal Representative, an additional amount not in excess of one-third (1/3) of the attorney may be allowed, provided:

a. additional services have been performed which are normally done by the Personal Representative; and
b. the assets of the Estate warrant the allowance of additional fees.

III. Limitation on Fees.

In all instances, the combined total of the fees allowed to the Personal Representative and attorney for the administration of an Estate should not exceed twelve percent (12%) of the Decedent's gross Estate.

NOTE: THIS FEE SCHEDULE IS ONLY A GUIDELINE AND WILL BE CONSIDERED UNLESS THERE IS EVIDENCE PRESENTED TO CONVINCE THE COURT TO DEVIATE FROM THE FEE SCHEDULE.

APPENDIX II

2005 Table of Statutes

Rule:	*Statutory Citation:*
1	I.C. 29-1-16-4, I.C. 29-1-16-6
2	I.C. 31-19-11-1

2005 Table of Statutes	
3	I.C. 29-1-10-1
5	I.C. 29-1-10-1, I.C. 29-1-11-1
6	I.C. 34-9-1-1
8	I.C. 29-1-1-9, I.C. 29-1-1-20
13	I.C. 29-1-12-1, I.C. 29-1-7.5-3.2
14	I.C. 29-3-3-2
15	I.C. 29-1-7-7, I.C. 29-1-7.5-1.5
19	I.C. 29-1-17-13
23	I.C. 29-1-10-17, 34-23-11-1, *et seq.*

JOHNSON COUNTY PROBATE FORM NO. 1

APPLICATION FOR APPOINTMENT OF PERSONAL REPRESENTATIVE

(COMPLETE ONE FORM FOR EACH PERSONAL REPRESENTATIVE)

CONTACT INFORMATION:

Case No.: **41 _____ - _____ - _____ - _____**

Name: _____

Address: _____

_____

Length of Residence: _____

Phone number: **(_____) _____ - _____**

BACKGROUND / EXPERIENCE:

Highest degree received *(including institution and year degree received)*: _____

_____

Employer: _____

Address: _____

_____

Length of employment: _____

Past experience with financial management *(including investing and checkbook management)*:

_____

_____

Do you have any prior felony convictions in the State of Indiana or under the law of any other State or Territory of the United States? Yes ____ No _____

AFFIRMATIONS AND VERIFICATION:

I AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT. I AFFIRM THAT I HAVE ATTAINED THE AGE OF MAJORITY. I AM NOT INCAPACITATED FOR A REASON OTHER THAN PHYSICAL MATTERS.

I FURTHER AFFIRM THAT I HAVE PROVIDED MY ATTORNEY MY DATE OF BIRTH AND SOCIAL SECURITY NUMBER.

AS A CONDITION OF APPOINTMENT OF THE PERSONAL REPRESENTATIVE, I HEREBY WAIVE THE PRIVILEGE ASSOCIATED WITH THIS INFORMATION AND AUTHORIZE MY ATTORNEY TO DISCLOSE THIS INFORMATION TO THE COURT, UPON COURT ORDER IN THE EVENT OF MY FAILURE TO RENDER AN ACCOUNT AS REQUIRED BY LAW OR OTHER DETERMINATION OF BREACH OF FIDUCIARY DUTY.

Dated: ____ / ____ / _____ _____

Signature

☐ **Proposed Order of Appointment and Letters enclosed.**

JOHNSON COUNTY PROBATE FORM 2

IN THE JOHNSON _____COURT_____
CASE NO. 41 _____ - _____ - _____ - _____

CERTIFICATION OF RESTRICTION ON ACCOUNT BY FINANCIAL INSTITUTION

The undersigned hereby certifies that he or she is an officer or employee of the financial institution hereinafter designated and further certifies that the following account has been opened:

Type of Account: _____

Account Number: _____

Amount Deposited: _____

Owner per signature card or document of title: _____

The undersigned further certifies that the terms of such account include a restriction that withdrawal of principal or interest may be made only on written order of the Johnson Superior Court.

I affirm under the penalties of perjury that the foregoing declaration is true.

Dated: _____ / _____ / _____

_____
Financial Institution

_____
Signature

_____
Printed Name and Title

JOHNSON COUNTY PROBATE FORM 3

STATE OF INDIANA)
) SS:
COUNTY OF JOHNSON)

IN THE JOHNSON _____ COURT

CASE NO. 41 ____ - _____ - _____ - _____

IN RE:
THE ESTATE OF:
_____ , DECEASED.

Claim Against Estate, Number: _____

To the Personal Representative of the above listed Estate:

The Claimant, _____ *(name of person making claim)* personally appeared before the verifying witness identified below, and was duly sworn, hereby files this claim against the above-captioned estate. This claim is for a total of *(amount)*: $ _____ and is owed for the following reasons: _____
_____
_____ .

In addition to this claim, there ☐ are ☐ are not other cases involving the claimant and the Decedent. Case Numbers for related cases: _____
_____.

I HEREBY AFFIRM THAT the claimed amount was calculated after the application of all credits, set-off, and deductions to which the Estate of the Decedent is entitled and that claim is justly due and wholly unpaid, to the best of my knowledge and belief.

_____ _____
Signature Printed Name

Address: _____
_____

Subscribed and sworn to before me, this ____ day of _____ , 20 ____.

_____ _____
Signature **Printed Name**

JOHNSON COUNTY PROBATE FORM 4

STATE OF INDIANA) **IN THE JOHNSON _____ COURT _____**
) SS:
COUNTY OF JOHNSON) **CASE NO. 41 _____ - _____ - _____ - _____**

IN THE MATTER OF THE GUARDIANSHIP)
OF: _____)

PHYSICIAN'S REPORT

Dr. _____, a physician licensed to practice medicine in all its branches in the State of Indiana, submits the following Report on _____, the alleged incapacitated person, based on an examination of said person conducted within the last three (3) months, on the _____ day of _____, 20___.

1. The nature and type of the incapacitated person's disability is: _____
_____
_____
_____

2. The incapacitated person's mental and physical condition, and, when appropriate, their educational condition, adaptive behavior and social skills are: _____
_____
_____
_____

3. In my opinion, the incapacitated person is ☐ totally or ☐ only partially incapable of making personal and financial decisions.
   A. The kinds of decisions which the incapacitated person can and cannot make are:
   _____
   _____
   _____
   B. The facts and / or reasons supporting this opinion are: _____
   _____
   _____
   _____

4. In my opinion, the most appropriate living arrangement for the incapacitated person, is:
_____
_____
   A. The most appropriate treatment or rehabilitation plan for the incapacitated person is:_____

_____

_____

B. The facts and / or reasons supporting this opinion are: _____

_____

_____

5. The incapacitated person ☐ can ☐ cannot appear in Court without injury to his / her health.
Where applicable: the medical reasons the incapacitated person cannot appear in Court are: _____

_____

_____

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

Physician:

Name: _____ Signature: _____

Address: _____

City/State/Zip _____ _____ _____

Telephone: (_____) _____ - _____

Other Evaluation Professionals:

Name: _____ Signature: _____

Profession: _____ Telephone: (_____) _____ - _____

Address: _____

City/State/Zip _____ _____ _____

Name: _____ Signature: _____

Profession: _____ Telephone: (_____) _____ - _____

Address: _____

City/State/Zip _____ _____ _____

JOHNSON COUNTY PROBATE FORM 5

STATE OF INDIANA)
) SS:
COUNTY OF JOHNSON)

IN THE JOHNSON _____ COURT

CASE NO. 41 ____ - _____ - _____ - _____

IN RE:
THE ESTATE OF:

_____ , DECEASED.

INSTRUCTIONS TO THE PERSONAL REPRESENTATIVE OF A SUPERVISED ESTATE

You have been appointed by this Court as Personal Representative of this estate. It is important that you fully realize your duties and responsibilities. Please read carefully, date and sign one copy of this form and submit it to the Court. Keep one copy for your records. Listed below are some of these duties but not all of them.

As Personal Representative, you are required by Indiana law to:

1. Locate, collect, and maintain all property owned by the Decedent. Keep motor vehicles and real estate insured and protected.

2. Have your attorney file in this Court an inventory describing all property belonging to the estate, with date of death values, not later than two (2) months after your appointment.

3. Open a separate checking account in your name "as Personal Representative for the estate of (the Decedent): and NEVER CO-MINGLE your funds or anyone else's funds with this account. Always make estate expenditures by check and retain the canceled checks. Make sure that the bank is willing to return canceled checks to you. Obtain a federal I.D. number for the checking account. Do not use your Social Security number or the Decedent's Social Security number.

4. Ascertain all debts that the Decedent owed. Look through Decedent's tax returns and other papers. Talk to anyone who knew Decedent's business. Consult your attorney as to payment of debts, costs of administration, bond premiums, and funeral bills. Some debts may be unenforceable. Some may have priority over others. DO NOT MAKE any distribution to an heir or devisee without prior consent from your attorney. Always obtain receipts for all distributions made. NEVER borrow estate property or put it to your own personal use.

5. Immediately fill out a change of address at the post office to have the Decedent's mail forwarded to you.

6. Prepare and file income tax returns for the tax year in which the Decedent died and any returns for prior years if needed. Timely prepare and file any estate, inheritance, or fiduciary tax returns and pay taxes as they come due.
7. Have your attorney file your final accounting, consisting of three (3) schedules, after the administration of the estate has been completed. The first schedule must include all assets

listed on the inventory and any income and additional assets obtained during administration. The second schedule must be an itemized list of expenditures, supported by attached canceled checks. The third schedule must be a recapitulation, indicating the remaining estate property after subtracting expenditures. A proposed distribution of this remaining estate property to the heirs or devisees must be included. This accounting must be furnished to all interested parties, including heirs.

8. After the court approves your final account, make distribution to the proper people and file a supplemental report with the court, attaching receipts.

9. Notify the Court and your attorney of any change in your address or telephone number.

10. Never pay yourself or your attorney any fees without a prior Court Order. Keep a record of the time you spend working on the estate. You are entitled to a reasonable fee, unless you waive a fee. Time records will help the Court determine your fee.

11. Always contact your attorney for advice if you are unsure as to any act as Personal Representative. Have your attorney counsel you in relation to the estate and explain anything that you do not fully understand.

12. Do not sell an estate asset without prior court order unless the will, in very specific terms authorizes sale without court order. Consult your attorney about this.

You, as Personal Representative, are ultimately responsible to see that the estate is properly and promptly administered, and you are personally liable for incorrect distribution, payments, or acts, as well as any unpaid taxes or costs of administration.

I authorize my attorney to disclose to the Court any information relating to his or her representation of me as Personal Representative even if such information would be otherwise confidential.

I acknowledge that I have carefully and completely read the above instructions and received a copy for my records. I agree to properly carry out my duties.

Dated this _____ day of _____, 20_____.

_____	_____
Signature, Personal Representative	Signature, Personal Representative
_____	_____
Printed Name, Personal Representative	Printed Name, Personal Representative

JOHNSON COUNTY PROBATE FORM 6

STATE OF INDIANA) IN THE JOHNSON _____ COURT
) SS:
COUNTY OF JOHNSON) CASE NO. 41 ____ - _____ - _____ - _____

IN RE:
THE ESTATE OF:
_____ , DECEASED.

INSTRUCTIONS
TO THE PERSONAL REPRESENTATIVE
OF AN UNSUPERVISED ESTATE

You have been appointed by this Court as Personal Representative of this estate. It is important that you fully realize your duties and responsibilities. *Please read carefully, date and sign one copy of this form and submit it to the Court. Keep one copy for your records*. Listed below are some of these duties but not all of them.

As Personal Representative, you are required by Indiana law to:

1. Locate, collect, and maintain all property owned by the Decedent. Keep motor vehicles and real estate insured and protected.

2. Prepare an inventory describing all property belonging to the estate, with date of death values, not later than two (2) months after your appointment, and file a certification with the Court that is prepared and available to heirs and distributees.

3. Open a separate checking account in your name "as Personal Representative for the Estate of (name of the Decedent): and NEVER CO-MINGLE your funds or anyone else's funds with this account. Always make estate expenditures by check and retain the canceled checks. Make sure that the bank is willing to return canceled checks to you. Obtain a federal I.D. number for the checking account. Do not use your Social Security number or the Decedent's Social Security number.

4. Ascertain all debts that the Decedent owed. Look through Decedent's tax returns and other papers. Talk to anyone who knew Decedent's business. Consult your attorney as to payment of debts, costs of administration, bond premiums, and funeral bills. Some debts may be unenforceable. Some may have priority over others. DO NOT MAKE any distribution to an heir or devisee without prior consent from your attorney. Always obtain receipts for all distributions made. NEVER borrow estate property or put it to your own personal use.

5. Immediately fill out a change of address at the post office to have the Decedent's mail forwarded to you.

6. Prepare and file income tax returns for the tax year in which the Decedent died and any returns for prior years if needed. Timely prepare and file any estate, inheritance, or fiduciary tax returns and pay taxes as they come due.

7. After you fully complete the estate administration, you must file a closing statement with the Court verifying that all proper claims, expenses & taxes have been paid, all assets have been properly distributed, and a copy of the closing statement has been sent to all distributees. In addition, you must furnish a written statement to all distributees fully accounting for all assets, expenses and distributions made to the heirs.

8. Notify the Court and your attorney of any change in your address or telephone number.

9. Keep a record of the time you spend working on the estate. You are entitled to a reasonable fee, unless you waive a fee.

10. Always contact your attorney for advice if you are unsure as to any act as Personal Representative. Have your attorney counsel you in relation to the estate and explain anything that you do not fully understand.

You, as Personal Representative, are ultimately responsible to see that the estate is properly and promptly administered, and you are personally liable for incorrect distribution, payments, or acts, as well as any unpaid taxes or costs of administration.

I acknowledge that I have carefully and completely read the above instructions and received a copy for my records. I agree to properly carry out my duties.

Dated this _____ day of _____, 20____.

_____	_____
Signature, Personal Representative	Signature, Personal Representative
_____	_____
Print, Personal Representative	Print, Personal Representative

JOHNSON COUNTY PROBATE FORM 7

STATE OF INDIANA) **IN THE JOHNSON _____ COURT _____**
) SS:
COUNTY OF JOHNSON) **CASE NO. 41 _____ - _____ - _____ - _____**

IN THE MATTER OF THE GUARDIANSHIP)
OF: _____)

INSTRUCTIONS TO GUARDIAN OF ESTATE

You have been appointed the Guardian of an individual, who is unable to care for his or her own affairs. Listed below are some of your duties, but not all of them. Please read carefully, date and sign one copy of this form and submit it to the Court. Keep one copy for your records. Though your attorney will file all papers with the Court, the ultimate responsibility to see that all accounts and other documents are accurately prepared and filed, rests with you.

As Guardian you are required to**:**

1. Locate, collect, and maintain all property owned by the protected person. Keep motor vehicles and real estate insured and protected.

2. Have your attorney file with the Court, within ninety (90) days after your appointment, a verified inventory and appraisal of all of the property belonging to the protected person, with values as of the date you were appointed. You must provide a copy of the inventory to the protected person (if over fourteen (14) years of age) and to certain other persons as set out in Indiana Code 29-3-9-5.

3. Have your attorney file with the court a verified current account of all the income and expenditures of the Guardianship every two (2) years after your appointment, consisting of three schedules. The first schedule must include all assets listed on the inventory or on the last current account. The second schedule must be an **itemized** list of expenditures, supported by attached canceled checks. The third schedule must be a recapitulation indicating the remaining property after subtracting expenditures.

4. Pay bond premiums as they become due.

5. File and pay taxes on the protected person's income and assets.

6. Have your attorney file a final accounting with the Court upon the termination of the Guardianship, whether due to the death of the protected person, or for any other reason.

7. Keep all of the assets for the protected person separate from your own. Guardianship funds should never be co-mingled with personal funds. Unauthorized use of Guardianship funds will result in personal liability.

8. Open a Guardianship checking account in your name "as Guardian of **(the protected person)".** This account **shall** be used for all payments or disbursements on behalf of the protected person. The account should be in the protected person's Social Security number, not yours. It should not be a joint account. Make sure that the bank is willing to return canceled checks to you.

9. Real estate, automobiles and other accounts and investments should be held in the name of the protected person.

10. Obtain approval from the court to use Guardianship assets, other than for normal bills.

11. Do not self deal. Do not buy anything from or sell anything to the protected person. Do not borrow anything from the protected person.

12. If applicable, timely qualify the protected person for Medicaid or other public assistance.

13. It is the duty of the Guardian to protect and preserve the protected person's property, to account for the use of the property faithfully, and to perform all the duties required by law of a Guardian.

14. The Guardian has the same duties and responsibilities concerning the protected person whether or not the protected person is a relative of the Guardian.

15. If any questions arise during the Guardianship, immediately consult with your attorney.

I authorize my attorney to disclose to the court any information relating to his or her representation of me as Guardian even if such information would be otherwise confidential.

I acknowledge that I have carefully and completely read the above instructions and received a copy for my records. I agree to properly carry out my duties.

Dated this _____ day of _____, 20_____.

_____	_____
Signature, Guardian	Signature, Guardian
_____	_____
Print, Guardian	Print, Guardian

RULES FOR FILING OF PLEADINGS

LR41 - TR5 - 131: Courthouse Mail.

A. Courthouse Mail Established. There is established a Courthouse Mail System for the Johnson County Circuit and Superior Courts, which is maintained by the Clerk of Courts.

B. Box Assignment. Subject to availability, attorneys having their principle place of business in Johnson County may have assigned to them a specific mail box in the Clerk's Office.

C. Service by Delivery. Delivery of a pleading or notice to an attorney's Courthouse mailbox constitutes service pursuant to the provisions of Indiana Trial Rule 5(B)(1)(d).

LR41 - TR5 - 132: Certification of Compliance with Indiana Trial Rule 5(G) and Administrative Rule 9(G).

A. Certification of Compliance Required. All pleadings filed by a party shall contain a verification certifying that the pleading complies with the filing requirements of Indiana Trial Rule 5(G) applicable to information excluded from public access under Indiana Administrative Rule 9(G).

B. Content of Certification. A certification in substantially the following language shall be sufficient: I / we hereby certify that the foregoing document complies with the requirements of Trial Rule 5(G) with regard to information excluded form the public record by Administrative Rule 9(G).

LR41 - TR5 - 133: Nonconforming Pleadings.

A. Nonconforming Pleadings Impounded. Any pleading filed by a party which does not comply with Trial Rule 5(G) and Administrative Rule 9(G) will be deemed filed with the Court but is subject to being impounded by the Court.

B. Time for Amendment. If a pleading is impounded, the Court will order the filing party to amend the pleading to conform with Trial Rule 5(G) by a date certain.

C. Time for Responsive Pleadings Extended. Subject to the filing of an amendment of the impounded pleading, the time of filing for any pleading responsive to the nonconforming pleading shall be extended for an equal period.

D. Striking of Nonconforming Pleading. Failure of a party to amend any impounded pleading may result in the pleading being stricken.

LR41 - TR81 - 134: Effective Date.

These rules become effective January 1, 2005.

COURTHOUSE SECURITY RULES

In keeping with the judicial responsibility to manage the operation of the Johnson Circuit and Superior Courts, with due concern for the safety and security of the members of the public and court personnel who are regularly present within the Johns on County Courthouse, Johnson County Courthouse Annex North, and the Juvenile Detention Center, the following local rules regarding security are hereby established.

LR41 - AD00 - 135: Weapons.

A. In coordination with relevant local ordinance, weapons, including, but not limited to guns and knives, may not be brought into any building in which proceedings of the Johnson Circuit and Superior Courts are regularly held.

B. Law enforcement officers, including authorized agents of the Prosecuting Attorney, which are so identified, are exempted from this rule; providing that in the Juvenile Detention Center, law enforcement officers may be requested to store their weapons in the secure storage area provided for the same.

LR41 - AD00 - 136: Security Cameras.

A. Installation. Each Judge may, in keeping with professional judicial standards, individually authorize the placement of surveillance cameras, by such vendor as may be selected by the Johnson County Sheriff, within the buildings in which proceedings of the Johnson Circuit and Superior Courts are regularly held.

B. Recordings. No audio recordings shall be made from the security cameras installed pursuant to the authority granted above. Only public areas, within which there is no expectation of privacy, shall be visible from such cameras.

C. Ownership. Such cameras, recordings made therefrom, and all accessories thereto shall remain the property of the

Johnson Circuit and Superior Courts.

D. Monitoring. Monitoring of the broadcast from the surveillance cameras shall be conducted by the Courts' designated agents.

E. Retention. Recordings made from the surveillance cameras shall be retained for such period as designated within the discretion of the Courts.

F. Use of Recordings. No recordings made from these surveillance cameras shall be used for any purpose without notice to and advance written permission from a judicial officer.

LR41 - AD00 - 137: Non-judicial Use of Courtrooms.
Use of any courtroom or hearing room for ceremonial, meeting, or other non-judicial purpose shall be permitted only with the advance permission of the presiding Judicial Officer.

LR41 - AD00 - 138: Effective Date.

A. Good cause has been found for deviation from the schedule for publishing local rules established by the Division of State Court Administration.

B. These rules shall take effect thirty (30) days from the entry of this Order [December 21, 2006], following the notice procedure required by T.R. 81(D).

ALCOHOL AND DRUG SERVICES PROGRAM RULES

LR41 - AD00 - 139: Program Implementation.
Pursuant to Ind. Code 12-7-2-12, Johnson County has established a program entitled the Johnson County Alcohol and Drug Services Program, and the same has been approved to continue operating pursuant to Johnson County Ordinance No. 2001-6 as recorded in the Ordinances of Johnson County.

LR41 - AD00 - 140: Payment of Fee Required.
For the continued operation of said program, and pursuant to Title 12 of the Indiana Code, it is mandatory that each person referred to the program from the courts of Johnson County and any other county pay a fee for said services.

LR41 - AD00 - 141: Fee Schedule.
The following fee assessments are now ordered to be paid by all participants:

a. Prior to July 1,2001, said fee is $75.00.

b. Effective July 1, 2001, said fee is $150.00.

c. Effective January 1,2002, said fee is $200.00.

d. Effective January 1,2003, said fee is $300.00.

LR 41 - AD00 - 142: Periodic Review.
It is necessary for the fee for the program to be evaluated on a regular basis and these rules may be amended as necessary.

LR41 - AD00 - 143: Effective Date.
These rules became effective on January 4, 2002.

CIVIL MOTIONS PRACTICE RULES

LR41-AR00-144: Applicability and Citation of Rules.

A. Scope. The following rules shall apply to all cases filed on the plenary dockets in the Johnson Circuit and Superior Courts, and shall not apply to Small Claim, Juvenile, Criminal , or Domestic Relations cases.

B. Citation. These rules may be cited as LR41-_____.

LR41-TR3.1-145: Leave to Withdraw Appearance.

A. Motion to Withdraw. All withdrawals of an appearance must be made in the form of a motion filed with the Court.

B. Form of Motion. Motions for leave to withdraw appearance must indicate the client's current mailing address in

the Certificate of Service and Proposed Order.

C. Client Notification. An attorney must give the attorney's client ten (10) days written notice of the attorney's intention to withdraw unless:
   1. another attorney has filed an appearance for the same party; or
   2. the withdrawing attorney indicates in the motion that he or she has been terminated by the client. Failure to conform to this rule may result in the denial of the motion to withdraw as counsel.

D. Contents of Client Letter.
   1. The letter of withdrawal shall explain to the client that failure to secure the assistance of new counsel may result in dismissal of the client's case or a default judgment may be entered against the client, whichever is appropriate.
   2. The letter of withdrawal shall clearly indicate any pending motions, response dates, hearing dates, scheduling orders, or trial dates.

LR41-TR4-146: Summons

A. Form of Summons. In addition to the information required under Trial Rule 4©, the form of the Summons must include the following information:
   (1) The Answer or response of the Defending or Responding Party must be in writing, signed by the party, and filed with the Court within the time period allowed for a response.
   (2) The response must dispute the allegations of the Complaint or Petition by including the Defending or Responding Party's response(s) or defense(s) to each claim contained within the Plaintiff's or Moving Party's Complaint in short and plain terms.
   (3) If a response is required and does not deny the allegations of the Complaint or Petition, the allegations in the Complaint or are admitted, and the moving party will be entitled to the relief requested .
   (4) Responses are not required in Domestic Relations cases.

B. Material Submitted with Summons. At the time of submission of the Summons, the party shall also submit such material to assist the Clerk in causing service to be affected, along with a stamped, return envelope to the Clerk for the return of service. If service by certified mail, registered mail, express mail, or via third-party commercial carrier is requested, the party shall submit any forms or materials required by the United States Postal Service or the Clerk's third party commercial carrier. If service is requested by the Johnson County Sheriff, the party shall submit the fee(s) required. If service is required by a Sheriff from another County,, the party shall submit an envelope addressed to the sheriff along with all such fees required for service by the sheriff.

LR41-TR5-147: General Provisions Regarding Filing of Pleadings, Motions, and Other Papers.

A. Appearance & Signature Required for Filing. No pleading, motion, or other paper specified in Indiana Trial Rule 5, will be accepted for filing unless such pleading, motion, or other paper has been signed in accordance with Indiana Trial Rule 11 by the attorney of record or a self-represented party. If it is later discovered that a nonconforming pleading or motion has inadvertently been filed the pleading, motion, or paper may be stricken from the record.

B. Supporting Briefs & Memoranda.
   1. If a party desires to file a brief or memorandum in support of a motion, such brief or memorandum must be filed with the motion.
   2. A supporting brief or memorandum shall be filed with all motions filed under Trial Rules 12 and Trial Rule 56.
   3. Unless accompanied by a Motion for Leave to File a Brief in Excess of Page Limits, Memoranda in support of or in opposition to motions filed under Trial 12 or Trial Rule 56 shall not exceed fifteen (15) pages in length and any reply or surreply briefs thereon shall not exceed eight (8) pages in length.

C. Responses & Memoranda.
   1. Responses shall be filed within ten (10) days following the date the motion was filed.
   2. Unless otherwise ordered, responses and supporting memoranda to motions filed under Trial Rule 12 and Trial Rule 56 shall be filed thirty (30) days following the date the motion was filed.
   3. The Court may consider those Motions identified in paragraph (E) without a response.

D. Replies. Replies are only permitted pursuant to advance Court approval. Petition to file the reply, accompanied by the tendered proposed reply, must be filed within seven (7) days of the response.

E. Motions Subject To Consideration Without Response. The Court may consider motions of routine and procedural nature without necessity of a response. Such motions include, those for enlargement of time, for continuance, to

withdraw appearance, to dismiss or to withdraw motion by the moving party, for entry of an Order setting hearing, amend pleadings, compel discovery, for default judgment, and other matters of a routine, non-adversarial nature without necessity of a response.

F. Hearing. Except as provided by rule or statute, motions will be subject to consideration by the Court without hearing. A praecipe for hearing shall be included in a separate rhetorical paragraph within the motion or shall be filed in a separate written motion no later than five (5) days after the response.

G. Tender of Proposed Orders.
   1. All motions seeking an order of the Court shall be accompanied by a sufficient number of proposed orders to ensure copies for two (2) copies for the Court and sufficient additional copies for service, if necessary.
   2. The party shall also submit stamped, addressed envelopes addressed to all parties, agencies, and third parties involved in the case.
   3. Proposed Orders shall include a full distribution list of attorneys, parties, agencies, and third parties involved in the case, including names and addresses, to whom the orders should be sent.
   4. Failure to comply with these procedures may delay official processing of proposed orders.

H. Proposed Orders In Contested Hearing.
   1. Unless the Court establishes a different period of time, each party in a contested hearing shall submit proposed Orders to the Court for consideration within ten (10) days of the close of evidence in any contested hearing or trial.
   2. The Orders shall be provided in both paper and modifiable electronic format.

I. Preparation of Orders. If the Court assigns the preparation of an Order to a party, the party shall prepare and submit the proposed Order to the Court within ten (10) days of the date on which the Court assigns preparation of the Order, unless the Court establishes a different period of time. The party shall submit a copy of the proposed Order to an opposing party for review prior to submission to the Court and include a certification to the Court that a copy has been provided to an opposing party.

J. Providing Digital Copies to Court.
   1. This provision applies only to proposed order and / or other documents required by these rules to be provided to the Court in electronic format.
   2. Proposed orders in modifiable electronic format shall be provided on Compact Disc, Digital Video Disc, flash drive, or by the Court's specific Proposed Order electronic mail address.
   3. The following electronic mail addresses constitute the exclusive list for the purposes of providing digital copies to the Court.
      A. C01ElectronicCopy@co.johnson.in.us
      B. D01ElectronicCopy@co.johnson.in.us
      C. D02ElectronicCopy@co.johnson.in.us
      D. D03ElectronicCopy@co.johnson.in.us
      E. MagistrateElectronicCopy@co.johnson.in.us
      F. JuvenileElectronicCopy@co.johnson.in.us
   4. Messages sent to the staff address do not satisfy this requirement.
   5. Identifying Submission.

1. Electronic mail messages providing proposed orders through the Court's specific Proposed Order electronic mail address shall include the Case Name and Case Number in the Subject Line.
2. Electronic mail messages related to filings made within five (5) days of a hearing shall include the hearing date and time in the Subject Line and the Case Name and Number in the body of the message.

LR41-TR5-148: Special Provisions Regarding Filing of Pleadings, Motions, and Other Papers.

A. Special Judge. When a special judge is selected, a copy of all pending pleadings, motions, and other papers must be mailed or delivered to the office of the special judge by the party who sought the change of venue from the judge. The copies shall be provided with a certificate of forwarding attached, a copy of which shall be made a part of the case file. Any proposed orders must be forwarded to the special judge as well.

B. Filing by Mail. When pleadings, motions, or other papers filed via mail or third party commercial carrier, the filing attorney or party must include a self-addressed, stamped envelope for the return of file-stamped documents to the attorney or party. Unless an addressed envelope is provided, file-stamped copies will not returned by any method other than Courthouse Mail.

C. Filing by Facsimile Transmission. Pleadings, motions, or other papers may not be filed by facsimile transmission.

D. Case Numbers. Except for the initial pleading (Complaint, etc.), no pleading or motion should be filed unless it

has a Case Number placed prominently on the face thereof.

E. Documents Filed Which Affect Hearings. Any document filed pursuant to Indiana Trial Rule 5(F)(3) within five (5) days of a scheduled hearing which is relevant to, pertains to, or involves the subject matter of the hearing should also be provided to the Court through electronic mail, as set forth above in LR41-TR5-147(J).

LR41-TR 149: Filings Requiring Immediate Action.

If a motion, pleading, or paper requires immediate action, the moving party shall bring the emergency nature of the filing to the Court's attention. The mere inclusion of the word "Emergency" in the caption is insufficient.

LR41-TR10-150: General Rules for the Format of Pleadings, Motions, & Other Papers.

A. Paper Size, Line Spacing, and Margins. All pleadings, motions, and other papers filed with the Court by attorneys shall follow the format requirements of Indiana Appellate Rule 43(B) - (G).

B. File Stamp Space. All pleadings, motions, and papers filed should allow sufficient blank space to the right of the case title to allow space for the file mark without covering the caption or case number. The space shall be a minimum of three (3) inches in width and two and one-half (2 ½) inches in height.

C. Citation. Citations to cases, statutes, or other authority should follow that provided in Indiana Appellate Rule 22 and the Uniform System of Citation (Bluebook) and should provide specific pinpoint page citations.

D. Binding. All pleadings, motions, and other papers filed with the Court shall be stapled or otherwise bound in the upper left-hand corner so that the pages appear in numerical order.

E. Non-Conforming Pleadings. Pleadings, motions, and other papers that do not comply with the foregoing provisions may either be accepted by the Court or returned to the filing party for compliance.

LR41-TR10-151: Special Rules for the Format of Pleadings with Special Judge Presiding.

If the case is before a special judge, all pleadings, motions, and other papers shall contain the following to the right of the case title: "BEFORE SPECIAL JUDGE _____."

LR41-TR40-152: Assigning Cases for Trial.

A. A case shall be assigned for trial and placed upon the trial calendar by the Court upon written request of a party and notice to all other parties. Except in Small Claims, such request must:
   1. contain the type of trial or hearing requested (e.g. jury trial, bench trial);
   2. contain a good-faith estimate of the time needed for the trial or hearing;
   3. state when it is expected that all parties will be prepared for trial; and
   4. reasonably anticipated dates on which the attorney or party is not available.

B. In all cases in which trial is expected to exceed one (1) day, the Court will first conduct a scheduling conference and conference under Trial Rule 16, prior to setting a case for trial.

LR41-TR40-153: Settlement and Removing the Case from the Docket.

Counsel for the parties shall be responsible for notifying the appropriate Court immediately upon settlement of a case so that the docket can be cleared and a new case set therein. The appropriate agreed entry, agreed judgment or motion to dismiss shall be filed.

LR41-TR53.5-154: General Requirements for Motions for a Continuance.

A. Scheduling Conflicts. When counsel for a party requests a continuance because he or she has a conflicting trial scheduled in another court, the motion for a continuance must be filed within twenty-one (21) days after the case in this Court is set for trial or hearing. The motion must also state the name and case number of the other case, as well as the date that the other court set the conflicting case for trial. Failure to timely file may result in a denial of the motion for a continuance.

B. Time. With the exception of an emergency, a motion for a continuance must be filed:
   1. at least seven (7) days before the court trial or hearing to which the motion pertains, or
   2. at least 10 (10) days before the jury trial to which the motion pertains; or
   3. as controlled by a pretrial conference order.

C. Information in Motion. Motions for a continuance shall contain the following information:
   1. The date and time of the hearing or trial for which a continuance is being sought;
   2. The reason for the continuance;
   3. A good-faith estimate of the time needed for such hearing or trial when rescheduled;

4. The date and time the opposing counsel or opposing party was notified that the party would be seeking a continuance;
5. Whether opposing counsel or opposing party agrees with or objects to the request; and
6. Proposed date(s)s and time(s) on which the parties would be available for the rescheduled hearing or trial

D. Resetting Hearings and Trials -- Civil Plenary (PL) Cases. In Civil Plenary (CP / PL) cases, for the purpose of determining a date on which a rescheduled hearing or trial may be reset, the moving party shall contact the assistant court reporter who is responsible for the specific case type and shall determine dates and times on which the Court is available to hearing the matter. The party shall then determine the availability of the opposing party or parties.

E. Scope. This provisions of this rule apply regardless of whether the parties are self-represented or are represented by counsel.

LR41-TR56-155. Notice at Time of Filing Motion for Summary Judgment in Civil Collection Cases.
In all Civil Collection (CC) cases, the moving party shall submit a Notice to the opposing party in a form substantially similar to Johnson County General Pleading Form 1 at the time of filing of a Motion for Summary Judgment against a self-represented party,

LR41-TR76-156. Transfer or Consolidation of Cases.
Aside from those matters which are transferred or consolidated under the Family Court Rules, requests to transfer cases to the Johnson Circuit or Superior Court shall be made in writing, accompanied by written order for the signature of the forwarding Court. No transfer or consolidation shall be approved, unless such order is consented to in writing by the Judge of the receiving Court.

LR41-TR77-157: Costs for Obtaining Copies of any Pleading, Order, or Recording.

A. Pleadings and Orders. On the request of any person, the Clerk of the Court shall make copies of any non-confidential pleading or order at the expense of the person making the request, pursuant to the Clerk's fee schedule. Only parties are entitled to copies to papers or cases deemed Not for Public Access or Confidential.

B. Recordings. Audio recordings of hearings are not subject to release.

C. Payment in Advance. All copy costs shall be paid in advance or at the time of receipt of the copied papers.

LR41-TR77-158: Removal of Original Pleadings, Papers, and Records.
No person shall withdraw any original pleading, paper, or record from the custody of the Court or the Clerk of the Court except upon the order of the judge of the Court.

LR41-TR79.1-159. Repleading upon Transfer of Small Claims Cases to Plenary Docket.

A. Issues. A Small Claim case which comes to the Johnson Circuit Court or Johnson Superior Courts from the Magistrate Court through transfer to the plenary docket shall be repled in its entirety by the filing a new Complaint and Answer(s) or responsive pleading in compliance with the Indiana Rules of Trial Procedure.
   1. The new Complaint shall be filed within twenty (20) days of the date the case is docketed and filed in the Johnson Circuit Court or Johnson Superior Courts or as otherwise ordered by the said Court.
   2. Failure to comply with this Rule may result in the Court not setting the case for trial until the case is repled or imposing sanctions which may include dismissal.
   3. At the time of filing the repled Complaint, the Plaintiff shall also file a Summons. The Summons and repled Complaint shall be served on the opposing party as required by law.

B. Answer or Responsive Pleadings. The opposing party must file an Answer or responsive pleading to the repled Complaint as provided by the Indiana Rules of Trial Procedure.

C. Procedure and Evidence. Once transferred to the plenary docket of the Circuit or Superior Courts, the rules and informal procedures of Small Claims cases are not longer applicable to the matter. For that reason, any pleadings, motions, or other procedural matters which are filed after the new Complaint is filed will be governed by the Indiana Rules of Trial Procedure and the Indiana Rules of Evidence.

LR41-TR00-TR-160: Responsibilities of Self-Represented Litigants.

A. Choice to Represent Yourself. Any person may choose to represent herself or himself in any civil case pending in the Johnson Circuit and Superior Courts. Such persons are known as "Self-represented Litigants."

B. Standards to Which You Will Be Held. Self-represented Litigants must present their case using the same procedural rules as do attorneys.

1. The Court cannot treat Self-represented Litigants differently than those represented by an attorney.
2. The Court and its staff cannot assist Self-represented Litigants in a way that would put the other party / parties at a disadvantage. The Court cannot talk to any litigants about the case without the other party being present.
3. The Court cannot teach Self-Represented Litigants the Indiana Rules of Evidence or the Indiana Rules of Trial Procedure because that would put the other party at a disadvantage.
4. Self-represented Litigants must follow the rules of evidence and trial procedure in the presentation of their claims and / or defenses and will generally be held to the same standards as are attorneys.
5. Self-represented Litigants must provide notice about all court hearings to all other parties.
6. Self-represented Litigants must provide copies of all papers or documents filed in the case to all other parties.
7. Self-represented Litigants are responsible for making certain that any witnesses they want to testify are notified of your hearing.

C. Correspondence to the Court.
1. Any letter filed with the Court must: contain the parties' names, the name of the court where the case is filed, and the case number on it.
2. You must provide a copy of any letter you file to the Court to all the other parties in the case.
3. In some circumstances, the Court cannot take action based upon a letter from a litigant.

D. Role of the Court.
1. The Court's job is to consider the testimony and evidence presented during any hearings to determine the facts of the case from any such testimony and evidence, and then to apply the law to those facts.
2. The Court may only consider testimony and evidence that is submitted and actually admitted into evidence according to the Indiana Rules of Evidence and the Indiana Rules of Trial Procedure.

ADDITIONAL RULES

LR41-TR81-161. Scope of Local Rules of the Johnson Circuit and Superior Courts.
Unless otherwise noted by a specific provision, and absent specific court order, these rules apply to proceedings originating in or transferred to the Johnson Circuit and Superior Courts.

LR41 CR00 162. Priority of Fee Payment.

A. Criminal Cases.
1. Pre-trial Diversion. In the absence of specific court order, the fees and costs ordered in Criminal Cases, when an Agreement to Withhold Prosecution has been filed, shall be collected and / or the payments applied in the following order of priority.
   a. Pre-Trial Diversion fee (I.C. 33-37-4-1 and 33-37-5-17)
   b. Alcohol and Drug Service fee (33-37-5-8)
2. In the absence of specific court order, the fees and costs ordered in Criminal Cases following conviction shall be collected and / or the payments applied in the following order of priority.
   a. Probation Administrative fee
   b. Probation User fee
   c. Alcohol and Drug Service fee (33-37-5-8)
   d. Supplemental Public Defender Fee or Public Defender Reimbursement * (I.C. 35-33-7-6)
   e. Court Costs (I.C. 33-37-4-1)
   f. Restitution (I.C. 35-50-5-3)
   g. Safe School fee (I.C. 33 37 5 18)
   h. Child Abuse Prevention fee (I.C. 33 37 5 12)
   I. Drug Interdiction fee (I.C. 33 37 5 9)
   j. Alcohol Countermeasures fee (I.C. 33 37 5 10)
   k. Domestic Violence fee (I.C. 33-37-5-13)
3. In the event that these specific fees, or any other court ordered fees, are not paid, the Court may enter judgment against the individual and may seek appropriate steps to collect the judgment owed.

B. Juvenile Cases.

1. In the absence of specific court order, the fees and costs ordered in Juvenile Cases following adjudication shall be collected and / or the payments applied in the following order of priority.
    a. Supplemental Public Defender Fee.
    b. Probation Administrative Fee
    c. Probation User Fee
    d. Community Corrections Programming Fees.
    e. Alcohol and Drug Service Fee.
    f. Restitution
    g. Public Defenders Fee
    h. Juvenile Detention Fees / Costs.
    I. Court Costs
2. In the event that these specific fees, or any other court ordered fees, are not paid, the Court may enter judgment against the individual, or the parent or guardian of a juvenile, and may seek appropriate steps to collect the judgment owed.

LR41-AR7-00163. Evidence Handling, Retention and Destruction.

A. Preamble.
1. The retention and maintenance of exhibits shall proceed pursuant to these rules, unless the Court directs a longer retention period on its own motion or after motion by any party.
2. These procedures will become effective immediately and will be applied to any cases previously disposed which meet the criteria set forth fully below.

B. Provisions Applicable to All Cases.
1. The Court Reporter will photograph as many non-documentary or oversized exhibits as practical.
2. All Child Support Obligation Worksheets and Financial Declarations admitted into evidence shall be permanently archived with the case file.
3. After the lapse of time described below, the Court Reporter may dispose of the exhibits (i.e., diagrams, models, depositions, and documents) and / or trial material without further notice to the parties.
4. The Court Reporter shall retain the mechanical or electronic records or tapes, shorthand, stenographic, or electronic notes as provided in Indiana Administrative Rule 7.
5. The Court Reporter should maintain a log of retained evidence and scheduled disposition date and evidence should be held in a secure area.
6. Parties and Counsel are reminded of the requirements of Appellate Rule 29(B).

    Non-documentary and Oversized Exhibits. Non-documentary and oversized exhibits shall not be sent to the Appellate level Court, but shall remain in the custody of the trial court or Administrative Agency during the appeal. Such exhibits shall be briefly identified
    in the Transcript where they were admitted into evidence. Photographs of any exhibit may be
    included in the volume of documentary exhibits. Under no circumstances should drugs, currency, or other dangerous or valuable items be included in appellate records.
7. At the time of removal, the party shall present a signed receipt to the Court Reporter, which shall be filed in the case.
8. If the exhibits are not removed within the time frame outlined fully below, the Court Reporter may dispose of the exhibits without notice.

C. Civil Cases.
1. No Appeal. All exhibits, including, but not limited to models, diagrams, documents, depositions, or other material admitted into evidence or pertaining to the case as exhibits shall be removed by the party offering them in evidence, except as otherwise ordered by the Court, 121 days after entry of a final, appealable order, unless an appeal is taken.
2. Following Appeal. If an appeal is taken, original exhibits shall be removed by the party offering them no less than 121 days after all appellate procedural options are resolved.

D. Post-Conviction Relief, Criminal Misdemeanors, Class D Felonies, and Class C Felonies.
1. No Appeal. All exhibits, including, but not limited to models, diagrams, documents, depositions, or other material admitted into evidence or pertaining to the case as exhibits shall be removed by the party offering them in evidence, except as otherwise ordered by the Court two (2) years after the entry of a final,

appealable order, unless an appeal is taken.

2. Following Appeal. If an appeal is taken, all such exhibits shall be retained by the court reporter for one (1) year from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later, unless an action challenging the conviction or sentence, or post conviction action, is pending. If exhibits are not removed, the Court Reporter may dispose of all exhibits without notice.

E. Class B Felonies, Class A Felonies, and Murder.

1. No Appeal. All exhibits, including, but not limited to models, diagrams, documents, depositions, or other material admitted into evidence or pertaining to the case as exhibits shall be removed by the party offering them in evidence shall be removed by the parties offering them in evidence, except as otherwise ordered by the Court, five (5) years after the case is dismissed, the defendant found not guilty, or the defendant is sentenced, unless an appeal is taken.

2. Following Appeal. If an appeal is taken, all such exhibits shall be retained by the court reporter for five (5) years from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later, unless an action challenging the conviction or sentence, or post conviction action, is pending.

F. Biologically Contaminated Evidence.

1. A party who intends to offer biologically contaminated evidence must file a pretrial notice with the trial court and serve all the parties so that the Court can consider the issue and rule appropriately before trial.

2. A party can show contaminated evidence or pass photographs of it to jurors, but no such evidence, however contained, shall be handled or passed to jurors or sent to the Jury Room unless specifically ordered by the Court.

INDIANA JUDICIAL DISTRICT 17 RULES AND PLAN

DR17-AR03-00001 Coordination with County Local Rules.

A. Purpose. The purpose of these rules is to coordinate motions practice in cases which may involve judicial officers from throughout the Administrative District.

B. Scope. These rules shall govern the processes described therein and shall supersede any local rules inconsistent therewith.

DR17-TR79-00002 Appointment of a Special Judge in Civil Cases.

A. Eligibility for Special Judge Service.

1. Agreement to Serve. Pursuant to Trial Rule 79(H), the full-time Judicial Officers of Administrative District 17 shall be deemed in agreement to serve as a Special Judge only for those case type(s) which compose that Judicial Officer's typical caseload, as determined by the Local County Caseload Allocation Plan.

2. Prior Service Excluded. The appointment as Special Judge shall apply unless the appointed Judicial Officer has previously served as Judge or Special Judge in the case, is disqualified by interest or relationship, or is excused from service as a Special Judge by the Indiana Supreme Court.

B. Appointment of a Special Judge. In the event of the need for the regular, sitting Judicial Officer to recuse herself / himself from a normally assigned case, or should the appointment of a Special Judge through agreement by the Parties fail, Special Judge appointment shall be made by the Johnson County Court Administrator.

1. Priority Given to Local County Appointments. Special Judge appointments shall be made within the Local County, on a rotating basis, so long as a Judicial Officer within the County who has jurisdiction for the type of case remains eligible for Special Judge service. Following the appointment of the Special Judge, the Special Judge may request that the case be transferred to the court of the Special Judge.

2. District (Outside County) Appointments. In the event that no Local Judicial Officer is available, a Special Judge shall be appointed, on a rotating basis, from the available Judicial Officers within the Administrative District who have jurisdiction for the type of case.

C. Acceptance of Appointment.

1. Acceptance Mandatory. Pursuant to Trial Rule 79(H), a person appointed to serve as Special Judge under these rules must accept jurisdiction in the case, unless the appointed Special Judge is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under these rules, or excused from service by the Indiana Supreme Court.

2. Documentation. An oath or additional evidence of acceptance of jurisdiction is not required.

D. Supreme Court Certification. In the event that no Judicial Officer in the Administrative District is eligible to serve as a Special Judge, or the regular, sitting Judicial Officer in the court in which the case is pending sets out particular circumstances why appointment under the these rules should not be made, then the regular, sitting Judicial Officer shall certify the same to the Indiana Supreme Court for appointment of a Special Judge.

E. Discontinuation of Special Judge Service. The provisions of T.R. 79(I) apply if a Special Judge ceases to serve following assumption of jurisdiction.

F. Method for Assignment and Related Records. The Administrative District Executive Committee shall approve:
1. The methodology by which the rotation of Judicial Officers for selection as Special Judge is made; and,
2. The maintenance of any records related thereto.

DR17-CR12-00003 Appointment of a Special Judge in Criminal Cases.

Each county within the Administrative District shall amend its local rules, pursuant to Criminal Rule 2.2 and 13, to allow for appointment of Special Judges utilizing the following elements.

A. Eligibility for Special Judge Service.
1. Available to Serve. Pursuant to Criminal Rule 13©, the Judicial Officers of Administrative District 17 shall be deemed in agreement to serve as a Special Judge only for those case type(s) which compose that judicial officer's typical caseload, as determined by the local Caseload Allocation Plan.
2. Prior Service Excluded. The appointment as Special Judge shall apply unless the appointed Judicial Officer has previously served as Judge or Special Judge in the case, is disqualified by interest or relationship, or is excused from service as a Special Judge by the Indiana Supreme Court.

B. Appointment within the Administrative District. In order to improve the coordination within the Administrative District, and pursuant to Criminal Rule 13©, appointments of a Special Judge in criminal cases shall be made among the Judicial Officers of the Administrative District.

C. Appointment of a Special Judge. In the event of the need for the regular, sitting Judicial Officer to recuse herself / himself from a normally assigned case, Special Judge appointment shall be made by the Johnson County Court Administrator.
1. Priority Given to Local County Appointments. Pursuant to Criminal Rule 2.2, appointments of a Special Judge shall be made in the same manner as set forth within the Local Rules of the Local County, so long as a Judicial Officer with criminal jurisdiction remains available within the Local County for appointment. Following the appointment of the Special Judge, the Special Judge may request that the case be transferred to the court of the Special Judge.
2. District (Outside County) Appointments. In the event that no Local Judicial Officer is available, a Special Judge shall be appointed, on a rotating basis, from the available Judicial Officers within the Administrative District.

D. Acceptance of Appointment.
1. Acceptance Mandatory. Pursuant to Criminal Rule 13©, a person appointed to serve as Special Judge under these rules must accept jurisdiction in the case, unless the appointed Special Judge is disqualified pursuant to the Code of Judicial Conduct, ineligible for service under these rules, or excused from service by the Indiana Supreme Court.
2. Documentation. An oath or additional evidence of acceptance of jurisdiction is not required.

E. Supreme Court Certification. In the event that no Judicial Officer in the Administrative District is eligible to serve as a Special Judge, or the regular, sitting Judicial Officer in the court in which the case is pending sets out particular circumstances why appointment under the these rules should not be made, then the regular, sitting Judicial Officer shall certify the same to the Indiana Supreme Court for appointment of a Special Judge.

F. Discontinuation of Special Judge Service. The provisions of C.R. 13(F) if a Special Judge ceases to serve following assumption of jurisdiction.

G. Method for Assignment and Related Records. The Administrative District Executive Committee shall approve:
1. The methodology by which the rotation of Judicial Officers for selection as Special Judge is made; and,
2. The maintenance of any records related thereto.

DR17-AR15-00004 Transcript Rate.

Each county within the Administrative District shall amend its local rules, pursuant to Administrative Rule 15 to provide for a consistent rate of $5.00 per each page of a transcript prepared.

DR17-AR03-00005 Administrative District Work.

A. History of Administrative District Work.
   1. Administrative District 17 was created by modification to Administrative Rule 3, effective January 1, 2011.
   2. Prior to the creation of Administrative District 17, there was little recent history of Hancock, Johnson, and Shelby Counties working together as an Administrative District.
   3. The services and programs operating in each County of the Administrative District vary greatly, due, at least in part, to the disparity in population among the counties.

B. Future of Administrative District Work.
   1. The Judiciary of each County in the Administrative District is interested in the benefits of district-level coordination and potential benefits derived therefrom.
   2. The local rules of each County are being reviewed to determine where local procedures could be made more efficient and productive.
   3. The local rules of each County will be amended, pursuant to direction from the Indiana Judicial Conference, in order to improve coordination, across county lines, with the Administrative District.

DR17-AR03-00006 Administrative District Leadership.

A. Executive Committee. The Administrative District Executive Committee shall serve as the governing authority of the Administrative District.

B. Selection of Executive Committee.
   1. Local County Representatives. Each County shall select a Judicial Officer to represent that County on the Administrative District Executive Committee.
   2. Term of Service.
      a. Each County Representative shall serve on the Executive Committee for a term of three (3) years and for a maximum of no more than two (2) complete terms, without a break in service.
      b. Each County Representative's term of service shall begin on January 1 and shall continue until her / his successor has been selected.
   3. Initial Term of Service. In order to ensure that terms of service on the Executive Committee are staggered, the initial terms of service are hereby established as follows:
      a. Hancock County. The Hancock County Representative shall serve an initial term of one (1) year, which initial term shall terminate on or about December 31, 2013. At the discretion of the Executive Committee, the term of service for the Hancock County Representative need not include the initial term of service.
      b. Johnson County. The Johnson County Representative shall serve an initial term of two (2) years, which initial term shall terminate on or about December 31, 2014. At the discretion of the Executive Committee, the term of service for the Johnson County Representative need not include the initial term of service.
      c. Shelby County. The Shelby County Representative shall serve an initial term of three (3) years, which initial term shall terminate on or about December 31, 2015.

C. Chair of the Executive Committee.
   1. No later than February 1 of each year, the Members of the Executive Committee shall select one (1) of their number of serve as the Chair.
   2. The Chair shall serve a term of one (1) year, which may be renewed.
   3. Chair of the Executive Committee shall schedule and preside over the meetings of the Executive Committee.
   4. The Chair of the Executive Committee shall serve as the Representative to the Indiana Judicial Conference Board of Directors. This provision shall initially take effect at the conclusion of the Annual Meeting of the Indiana Judicial Conference / Board of Directors meeting on or about September 20, 2013 and shall continue thereafter in compliance with I.C. 33-38-9-4.

D. Meetings of the Executive Committee.
   1. The Executive Committee shall meet at least two (2) times each year.
   2. The meetings shall occur no later than April 30 and October 30 of each year.
   3. Attendance at meetings via electronic or telephonic means is acceptable.

DR17-AR03-00007 Effective Date.

Subject to the approval of the Indiana Supreme Court, these Administrative District Rules become effective January 1, 2013.

TAX SALE RULES

LR41 - TR3.1 - 000163. Tax Sale Appearance.

A. Additional Information. In addition to the information required by Indiana Trial Rule 3.1, each person seeking any relief regarding property sold at a tax sale shall provide the following information on the subject parcel: 1) parcel number; 2) tax sale certificate number; and, 3) street address or brief description of the parcel's location.

B. Unrepresented Parties. Parties not represented by an attorney must use the Johnson County Tax Sale Appearance form.

LR41 - AR00 - 000164. Title Search Required.

A. Title Search Required. Pursuant to Indiana Code 6-1.1-25-2(e), any person who has purchased property at a Johnson County Tax Sale must obtain a title search from a Title Insurance company authorized to do business in Indiana no later than thirty (30) days after the sale.

B. Copy Provided to the Court. A petition for tax deed must be accompanied by a copy of the Title Search.

LR41 - AR00 - 000165. Provision of Documents to County Attorney.

A copy of any motion, objection, or petition filed to pursue interests in land arising from a tax sale shall be provided to the Johnson County Attorney.

LR41 - AR00 - 000166. Administrative Case Number.

A. Administrative Case Number Opened by Parcel. The Court will open a Court Business (CB) case number for any proceedings regarding objections, petitions for tax deed, surplus funds, etc. requested or conducted on a specific parcel. The Court will inform the parties of the administrative case number via Official Notice.

B. Use of Both Case Numbers. Both MI and CB case numbers must be included in the caption of all documents filed regarding a particular parcel after the parties are informed of the CB case number.

LR41 - AR00 - 000167. Responsibilities of the Purchaser.

A. Indiana Code. The relevant statutes which involve Tax Sales can be found online at: http://iga.in.gov/legislative/laws .

B. Notice Forms. Draft notice forms are available upon request. Use of the Court's templates is *not* the only proof of compliance with the relevant statutes.

C. Purchaser Solely Responsible. Whether represented by counsel or not, the Purchaser is solely responsible for compliance with each provision of the Indiana Code, including all required notices to the owner(s) of record.

LATE PAYMENT FEE

LR41 - AR00 - 00168. Late Fee.

A. Authority. This rule was adopted pursuant to Indiana Code 33-37-5-22.

B. Scope. This rule applies to all criminal (CF, CM, DR, FA, FB, FC, FD, F1, F2, F3, F4, F5, F6, and MR), Infraction (IF), and Ordinance Violation (OV) cases filed in the Johnson Circuit and Superior Courts in which a conviction or judgment is entered after the effective date of this rule.

C. Late Fee Amount. If all court costs, fines, or civil penalties are not paid by the date order, an additional late fee of $25.00, or the maximum allowed by Indiana Law shall be imposed.

D. Time for Payment. All fine, fees, costs, and civil penalties ordered shall be paid on a timely basis, as directed by the Court.

E. Late Fee Suspended. A court may suspend a late payment fee if the court finds that the defendant has demonstrated good cause for failure to make a timely payment in full.