

HOWARD SUPERIOR III COURT

PLAINTIFF

Name: _____
Address: _____
City/State/Zip: _____
Telephone: _____

Howard Superior III Court
Howard County Courthouse
Kokomo Indiana 46901
Telephone: 456-2220
HOWARD COUNTY CLERK
Telephone: 456-2000

DEFENDANT

Name: _____
Address: _____
City/State/Zip: _____
Telephone: _____

SMALL CLAIM DOCKET

CAUSE NO: 34D03-_____SC_____

TO THE CLERK: Please summon the Defendant(s) by certified mail/Sheriff of _____
County to appear in Court to answer this claim.

STATEMENT OF CLAIM: _____

Wherefore Plaintiff ask judgment against the Defendant(s) for \$ _____ or an amount not to
exceed \$10,000.00 plus interest (if applicable), and costs therein.

Signature of Plaintiff

NOTICE TO APPEAR

TO: (1)
Defendant: _____
Address: _____
City: _____

TO: (2)
Defendant: _____
Address: _____
City: _____

The Plaintiff(s) asks judgment in this court for the sum stated above. You are to appear in Howard Superior Court 3 for an initial hearing on the claim on the _____ day of _____ 20____, at _____ P.M. You may appear in person or by counsel for this initial hearing. If you do not wish to dispute the claim, you may appear at the time and date stated for the purpose of assisting the Court in establishing the method by which you will be directed to pay the judgment. If you do not appear for any proceeding (which would include any initial hearing or trial) or any continuance thereof, a default judgment may be entered against you for the amount of the claim, plus court costs and interest.

The Defendant must provide the Court and the Plaintiff with a written copy of any counterclaim arising out of the Plaintiff's claim at least seven (7) calendar days before the trial.

Either the Plaintiff or Defendant may represent themselves individually or be represented by a lawyer. If the Plaintiff or Defendant is a corporation or limited liability company, it must be represented by a lawyer, except that a full-time employee may appear on behalf of an employer provided that a Certificate of Compliance affidavit has been filed with the Court and the claim is limited to \$1,500.00.

Trial by jury may be requested by Defendant within ten (10) days after receipt of the notice of claim, and that once a jury trial request has been granted; it may not be withdrawn without the consent of the other party or parties: and within ten (10) days after the jury trial request has been granted, the party requesting a jury trial shall be deemed to have waived the request.

EVIDENCE:

If you have photographs that you want to put into evidence that are on a digital device (phone, tablet, computer, etc.), it is advisable to have those photographs printed separate from the device. Otherwise, the entire device may have to be entered into evidence and kept by the court for up to sixty (60) days.

RETURN OF NOTICE OF CLAIM

This Notice of Claim came to hand on the _____ day of _____, 20____, and I served the same on the _____ day of _____, 20____.

- 1.) By delivering a copy of Notice of Claim.
- 2.) By delivering a copy of Notice of Claim personally to _____
(address) _____
- 3.) By leaving a copy of the Notice of Claim at _____
- 4.) By serving his agent as provided by rule, statute or valid agreement, to wit: _____
- 5.) Defendant cannot be found in my bailiwick and Notice of Claim was not served. And I now return this _____ day of _____, 20____.

Sheriff of _____ County

As of July 2017 any case requiring additional Sheriff service after judgment will be assessed a one-time additional fee of \$28.00

STATE OF INDIANA
COUNTY OF HOWARD SS:

IN THE HOWARD SUPERIOR COURT III

34D03 _____

Plaintiff Phone: _____

Plaintiff: _____

Address: _____

VS

Defendant: _____

Address: _____

VERIFIED CLAIM FOR IMMEDIATE POSSESSION OF REAL PROPERTY

Plaintiff(s) affirm under the penalties of perjury that he/she is the owner of, or has a legal interest in, and is entitled to the immediate possession of the following described real property of the approximate fair market value of \$ _____, the part occupied by the defendant(s) having a rental value of \$ _____, per month. **A copy of the lease, if any, must be filed with the Clerk at the time of filing this claim.** The address of the property located in Howard County is: _____

(Must be completed to be served by the Howard County Sheriff)

The defendant(s) is in default of the lease and owes rent in the amount of \$ _____. If no rent is due and owing, then the defendant(s) is in default of the lease for the following reasons: _____

If the property was sold pursuant to a land contract, then this claim MAY NOT be filed in Small Claims Court. DAMAGES, IF ANY, WILL BE DECIDED AT A LATER HEARING.

SIGNATURE OF PLAINTIFF: _____

TO THE DEFENDANT: NOTICE OF HEARING

You are hereby ordered to appear at the Howard Superior 3 Courtroom on the first floor of Howard County Courthouse, Kokomo, Indiana, on the _____ day of _____, 20__ at _____ AM/PM to Show cause why the plaintiff should not be put in possession of the above described property. You may appear at the hearing in person, file affidavits on your behalf, present testimony on your behalf, and you may file with the Court a written undertaking in an amount and with surety to be approved by the Court in order to stay the delivery of the above-described property in accordance with the law. **IF YOU FAIL TO APPEAR A WRIT OF IMMEDIATE POSSESSION MAY BE ENTERED IN FAVOR OF THE PLAINTIFFS.**

DATED: _____

JUDGE, HOWARD SUPERIOR III COURT

This order came to hand this _____ day of _____, 20__ served as commanded by reading this to and within the hearing of _____ or served on defendants by _____

DATED: _____

HOWARD COUNTY SHERIFF'S DEPARTMENT

PROCESS FOR EVICTIONS AFTER LIFTING OF COVID19 RESTRICTICONS

1. All eviction hearings will be set no earlier than 30 days after filing.
2. The magistrate will preside over the initial eviction hearing in the Howard Superior Court 3 courtroom.
3. No evidence will be presented at the initial eviction hearing:
 - a. If the Defendant fails to appear, the magistrate will issue a writ of immediate possession
 - b. If the Defendant appears and agrees to vacate, 10-20 days will be given to vacate at the magistrates discretion.
 - c. If there is no agreement, the parties shall have the option to attempt to resolve the matter by agreement with the approval of the magistrate.
 - d. If either party does not agree to a settlement, then the matter will set for a contested hearing the following week on Tuesday afternoon or Wednesday morning.
 - e. All contested hearings will take place before the judge in Howard Superior Court 3.
4. At the contested hearing the court will consider a number of factors in determining whether to evict the Defendant which shall include, but not be limited to, the following:
 - a. Whether there a written lease agreement and if the Defendant is in violation of the terms of this agreement.
 - b. If there is no written lease agreement and there is no agreement as to the oral terms of the lease, then the lease will likely be deemed to be a month-to-month lease which may typically be terminated by either party upon thirty (30) days' notice.
 - c. Whether the Defendant was in violation of the lease agreement on or before the COVID19 restrictions imposed on March 13, 2020.
 - d. Whether the Defendant's failure to pay rent related to a job loss as a result of the COVID19 virus.
 - e. Payment history.
 - f. Defendant's employment status.
 - g. Defer the eviction and require the Defendant to begin making payments, which may include partial payments based upon employment history.
 - h. Require payments to be made through the clerk's office, a failure of which may result in an eviction.
 - i. Any other reasonable and appropriate terms as decided by the court.
5. If the Plaintiff has filed a small claim for damages at the same time as the eviction and the court allows the Defendant to remain upon the property with a requirement to pay rent, the court will continue the damage hearing until such time as the Defendant is ordered to vacate the premises

CERTIFICATE OF COMPLIANCE

NAME OF BUSINESS

ADDRESS OF BUSINESS

TELEPHONE NUMBER OF BUSINESS

(For a Sole Proprietorship, Partnership, Corporation, Limited Liability Co. Or Limited Partnership)

By resolution duly adopted by the Corporation, Limited Liability Company or Limited Liability Partnership; or by an owner of a Sole Proprietorship or by a partner of the business, the following authorization is approved:

In any unassigned claim not exceeding six thousand dollars - \$ 6000.00 filed in the Small Claims Division of the Howard Superior Court III, Kokomo, Indiana this business designated and authorizes

_____, who is a full time employee, to appear on its behalf and it shall be bound by any or all agreements relating to the small claim proceeding entered into by the designated person and shall be liable for any and all costs, including those assessed by reason of contempt, levied by the Court against the designated employee.

The undersigned, on behalf of the business, waives any claim for damages in excess of six thousand dollars (\$6000.00) associated with the facts and circumstances of the claim.

DATED: _____

Signature

Printed Name

Title/Position

ATTEST (For a Corp. only):

Secretary

**AFFIDAVIT OF BUSINESS EMPLOYEE
TO APPEAR IN COURT UNDER INDIANA SMALL CLAIMS RULE 8**

The undersigned affirms under penalty of perjury that he has not been suspended or disbarred from the practice of law in the State of Indiana or any other jurisdiction and is a full-time employee of _____, a business for which he has been designated to appear in the Small Claims Division of proceedings as set forth herein.

DATED: _____

Signature: _____
Designated Employee
Printed name: _____

*Each Corporation, Sole Proprietorship, or Partnership suing by employee must have one of these on file with the Clerk of Courts.

*Small Claims Rule 8 applies to \$5,000.00r less claims.

STATE OF INDIANA
COUNTY OF HOWARD

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)SS:
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HOWARD COUNTY SUPERIOR COURT
DIVISION III
HOWARD COUNTY COURTHOUSE
KOKOMO, INDIANA 46901

Plaintiff
VS.

CAUSE NO.: 34D03-_____

Defendant

VERIFICATION OF OWNERSHIP

The real estate commonly known as

(Address)

Which is the subject matter of this case is legally owned and
titled in the name of

(Name)

I affirm, under the penalties for perjury, that the foregoing
representation is true.

Date

Signature

Printed

HOWARD CIRCUIT/SUPERIOR COURT
HOWARD COUNTY STATE OF INDIANA
KOKOMO, INDIANA

Affidavit of Poverty

Cause Number _____

Petitioner

VS

Respondent

Address

Address

City, State & Zip

City, State & Zip

Telephone Number

Telephone Number

Petitioner, name and address above.

- 1.) He/She has a total of \$ _____ in income per month;
- 2.) Because of poverty he/she is unable to pay the costs of this action or give security by way of deposit.

WHEREFORE, Petitioner prays for leave to commence this action without advancing costs or giving security by way of deposit.

I affirm, under the penalties for perjury, the foregoing representations are true.

Petitioner

ORDER

The Court, having examined the Affidavit of Poverty filed herein, now ORDERS filing fees and all other court costs waived.

Dated

Judge Howard Circuit/Superior Court