

SMALL CLAIMS

A Step-by-Step Guide Circuit Court of Madison County



This guide explains how to file, prepare, and collect a small claims case in Indiana courts.

What Is Small Claims Court?

Small Claims Court allows individuals and businesses to resolve disputes:

- Quickly
- Informally
- Without necessarily hiring an attorney

You may represent yourself.

💰 Jurisdictional Limit

Claims are limited to **\$10,000 or less** (for cases filed on or after July 1, 2021).

Common Types of Cases:

- Personal injury (up to \$10,000)
- Property damage
- Unpaid rent
- Security deposit disputes
- Bad checks
- Unpaid services or accounts
- Return of wrongfully taken property
- Landlord-tenant disputes

! You cannot use Small Claims Court for:

- Foreclosures
- Land contract disputes
- Claims over \$10,000

Before You File a Claim

Ask yourself:

1. Does the court have jurisdiction?

Is your case eligible for Small Claims Court?

2. Is this the correct county (venue)?

You may file where:

- The incident occurred
- The debt was incurred
- The contract was to be performed
- The defendant lives
- The defendant works

3. Is your claim filed on time?

Statute of limitations examples:

- **2 years** – Personal injury, damage to personal property
- **6 years** – Contracts (oral), accounts, rent disputes

4. Are the correct parties named?

You must sue the person or business that owes you.

Filing a Small Claim

Step 1: Complete a Notice of Claim

Available at the Clerk's Office.

Briefly explain:

- Why you are owed money or property
- The amount requested

Step 2: Attach Required Documents

- Written contract (if applicable)
- Affidavit of Debt (if suing on an account)
- Supporting documents

Step 3: Pay Filing Fees

You must pay filing and service costs.

If you win, the defendant may be ordered to repay these costs.

Step 4: Service of Notice

The defendant must be served at least **10 days before the hearing**.

Preparing for Trial

Bring:

- Witnesses
- Copies of receipts, contracts, estimates
- Photos
- Repair estimates

You must prove:

1. **Liability** – The defendant is responsible
2. **Damages** – The exact dollar amount

The burden of proof is “**preponderance of the evidence**”

(Your evidence must be more convincing than theirs.)

What Happens at Trial?

- Plaintiff presents first
- Defendant presents second
- Judge may ask questions
- Decision may be made immediately or later

If Defendant Does Not Appear:

You may request a **Default Judgment** (if properly served).

After Judgment

Winning a judgment does NOT automatically mean payment.

You are responsible for collection.

Collection Options:

- ✓ Proceedings Supplemental
- ✓ Wage Garnishment
- ✓ Judgment Liens on Property
- ✓ Execution on Personal Property

Judgments:

- Lien on real estate for 10 years
- Enforceable up to 20 years

Landlord–Tenant Notes

- Security deposits must be itemized within 45 days after receiving a forwarding address
- Lockouts and utility shutoffs are generally illegal
- Tenants must keep property clean and avoid damage
- Landlords must provide safe, habitable premises
- Emergency possessory actions may apply in certain situations.

Appeals

You must file an appeal within **30 days** of judgment.

Consult an attorney for appeals.

Need Help?

Court staff can answer procedural questions but **cannot give legal advice**. Visit **madisoncountycourts.in.gov** for more self-help resources.