

Noble Superior Court Division 2

Small Claims

3rd Floor Courthouse

Albion, Indiana 46701

260-636-2129

Instructions for defending a Small Claim

If you cannot appear on the date and time indicated, you must contact the court immediately upon receipt of the notice. If someone has filed a claim against you and you intend to represent yourself remember:

- (1) If you do not wish to dispute the claim you may nonetheless appear for the purpose of allowing the court to establish the method by which judgment shall be paid. A default judgment may be entered against you if you fail to appear for trial.
- (2) If you have a claim for money against the plaintiff arising out of the same transaction or occurrence, you may file a counterclaim with the County Clerk. If the amount of your counterclaim exceeds \$3000, you give up the right to the excess over the amount by filing your counterclaim in the Small Claim division. Both the plaintiffs claim and your counterclaim will be heard at the same trial. However, if you wish to file a counterclaim larger than \$3000, the matter cannot be heard as a Small Claim and all formal and technical rules will apply and, for this reason, it is advisable that you contact an attorney. Counterclaims must be provided to the court and the Plaintiff in writing at least seven (7) days before trial.
- (3) You do not have to employ a lawyer now, nor do you have to have one when your case comes to trial. You may hire an attorney to represent you if you wish. Corporations and Partnerships must be represented by an attorney, except for certain exceptions.
- (4) Advise the Court of any change in your address or phone number, which occurs after you receive this notice.
- (5) The notice tells you the time and date of your trial. Be there! Judgment by default may be entered against you if you do not appear at this time. **This means that the Plaintiff may be given whatever he asked for in this complaint. If you cannot come that date, notify the Court in writing at least ten (10) days in advance.** If there is a valid reason, the Court will reschedule the hearing date.
- (6) Be prepared to defend your case in court with any evidence or witnesses you have. All evidence must be presented at the time of the hearing. Subpoenas can be issued by the Bailiff for reluctant witnesses. You must give the complete names and addresses of your witnesses to the Bailiff two (2) weeks before your scheduled date of trial.
- (7) You will be notified of the results of your trial in court or within a few days after the trial.
- (8) At the trial simply tell your side of the story. There are no technical or formal rules to follow. The Judge may ask questions of you of the plaintiff. Bring all documents concerning this claim with you.
- (9) You may request a jury trial, but if you do, you will be required to pay for the transfer of the case to the regular docket of the court and you must make the request within ten (10) days of the receipt of the Notice Of Claim. The case will then be tried according to formal rules of procedure and evidence, and it would therefore be advisable for you to contact an attorney.
- (10) The decision of the Court may be appealed to the Indiana Court of Appeals. You will be unable to appeal unless you notify an attorney in time to allow him to take action within thirty (30) days after judgment is entered. If you feel your case is not decided in a legal manner and wish to appeal, you should contact an attorney as soon as possible after judgment.
- (11) If you have a question about procedure you must follow or any other matter relating to your case, ask the clerk for assistance. If you need legal advice you should contact an attorney as neither the judge nor the clerk is allowed to help you in that respect.
- (12) There is a manual for Small Claims Court available for viewing at the Noble County Clerk's office.

Court Hearing Locations: The *Courthouse* in Albion, held every Tuesday. *Kendallville* Public Library once a month in the morning. Once the claim is filed, it cannot be moved to another location.

Payments should be made in the Clerk's office. Only payment in full will be taken before judgment. Other payment arrangements should be made with the Plaintiff(s). **NO PERSONAL CHECKS ACCEPTED**

*REVISED 2/02