

STATE OF INDIANA)
)
COUNTY OF WHITE) SS:

IN THE WHITE SUPERIOR COURT
CAUSE NO: 91D01-

Plaintiff's Name & Address & Phone #

Defendant's Name and Address

NOTICE OF CLAIM—POSSESSION FOR NONPAYMENT OF RENT

Plaintiff complains of defendant and for cause of action says:

1. That on the _____ day of _____, 20_____, plaintiff leased to defendant the following described real estate located in _____ County, Indiana, to-wit _____ for which defendant agreed to pay plaintiff as rental the sum of _____ dollars per _____ on the _____ day of each _____ beginning on the _____ of _____, 20_____.

2. That pursuant to said agreement defendant took possession of said premises and has since and still does occupy the same.

3. That defendant has failed to pay rent as it became due or that defendant has breached the terms of the lease by: _____

and the landlord has given tenant written notice to correct the violation within 10 days. (Check correct box.)

4. That defendant has not surrendered the possession of said real estate to the plaintiff. Since the expiration of said notice, defendant has unlawfully held over and detained plaintiff of possession of said premises.

5. You are hereby Ordered to appear personally, or by your Attorney before the White County Superior Court for the hearing on Immediate Possession of Real Estate on _____, 20____ at: _____M. to show cause why a prejudgment order for possession should not be issued and the property delivered to plaintiff(s). Defendant (s) may file Affidavits on their behalf at the time of the above stated hearing. You may further file with the court a written undertaking to stay delivery of the property to the Plaintiff(s).

6. This notice of claim has been assigned further hearing on _____, 20_____ at _____M. You must appear personally or by your Attorney to the White County Superior Court or the plaintiff may be given a default judgment against you.

WHEREFORE, plaintiff demands possession of said real estate, a money judgment for breach of the landlord tenant relationship, court costs, and for all proper relief.

Plaintiff's Signature

THIS NOTICE SHALL BE SERVED UPON DEFENDANT (s) by:

____ Certified Mail
____ Sheriff of WHITE County

Date

Clerk of White County

IMPORTANT INFORMATION CONCERNING THIS ACTION

1. If you are the defendant, you need to appear in Superior Court (3rd Floor White County Courthouse) at the date and time on the other side of this paper. Court proceedings are conducted in English. You may bring someone with you to translate IF you are more comfortable in another language.
2. If the claim arises out of a written contract, a copy is attached. If the claim is on account, an itemized statement is attached.
3. If you do not appear, a default judgment may be entered. Even if you do not dispute the claim, you need to appear to establish a method to pay the judgment.
4. If you have any documents or witnesses, bring them with you.
5. If you wish to file a Counter – Claim, it must be served upon the plaintiff seven (7) days prior to trial.
6. You may request a jury trial by filing a request in writing within ten (10) days of receipt of the summons and at least three (3) days prior to trial date.
7. Any motions for a continuance should be filed in writing within five (5) business days prior to the hearing.
8. You may appear in person or by sending your attorney. An attorney is not required. If the defendant is a business, a full time employee of the business can appear for the business for claims up to \$6000 if authorization from the business is on file with the Court.

If you are unable to appear for the scheduled trial, Contact the Court immediately at White Superior Court, County Building, PO Box 350 Monticello, IN, 47960 or call 574-583-9520 or 574-583-7032

NOTICE REGARDING COMPLIANCE WITH SMALL CLAIMS RULE 8C

SMALL CLAIMS RULE 8C PROVIDES THAT ANY ASSIGNED OR PURCHASED CLAIMS OR ANY DEBT ACQUIRED FROM A REAL PARTY IN INTEREST BY A THIRD PARTY CANNOT BE PRESENTED OR DEFENDED BY THE THIRD PARTY UNLESS THE THIRD PARTY IS REPRESENTED BY COUNSEL.

FOR THE PROPERTY MANAGEMENT FIRMS THAT APPEAR IN THIS COURT THIS MEANS THAT IF THE MANAGEMENT FIRM IS NOT THE OWNER OF THE REAL ESTATE THAT IS THE SUBJECT OF THE LAWSUIT, THE FIRM MUST BE REPRESENTED BY COUNSEL AT THE IMMEDIATE POSSESSION HEARING AND AT ANY DAMAGES HEARING

IF THE PROPERTY MANAGEMENT FIRM IS THE OWNER OF THE REAL ESTATE THAT IS THE SUBJECT OF THE LAWSUIT, THEN THE PROPERTY MANAGEMENT FIRM MAY DESIGNATE AN EMPLOYEE TO APPEAR ON ITS BEHALF SUBJECT TO COMPLIANCE WITH THE REMAINING PROVISIONS OF SMALL CLAIMS RULE 8C 1-5. YOU CAN FIND THE SMALL CLAIMS RULES AND SMALL CLAIMS MANUAL AT https://www.in.gov/courts/rules/small_claims/index.html and <https://www.in.gov/courts/files/small-claims-manual.pdf>. THERE IS A CAP ON ANY RECOVERY AT \$6,000.00 IF THE MANAGEMENT FIRM APPEARS BY A DESIGNATED EMPLOYEE.

YOU SHOULD BE PREPARED TO PRESENT COPIES OF DOCUMENTS ESTABLISHING OWNERSHIP OF THE REAL ESTATE AT ISSUE IN THE CASE TOGETHER WITH COPIES OF YOUR MANAGEMENT CONTRACT UPON REQUEST OF THE COURT OR THE ADVERSE PARTY IN THE CASE AT THE TIME OF ANY SCHEDULED COURT HEARINGS.

PLEASE ALSO FILE THE FIRM'S RESOLUTION/CERTIFICATE OF EMPLOYEE DESIGNATION AND SMALL CLAIMS RULE 8 AFFIDAVIT EACH TIME THE DESIGNATED EMPLOYEE FILES A NOTICE OF CLAIM OR APPEARS TO DEFEND A CLAIM OR COUNTER-CLAIM OF \$6,000.00 OR LESS.

EFFECTIVE DATE: JANUARY 20, 2023