

STATE OF INDIANA )  
COUNTY OF WHITE )

SS:

IN THE WHITE SUPERIOR COURT  
CAUSE NO: 91D01-

Plaintiff's Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Defendant's Name & Address

### NOTICE OF CLAIM AND SUMMONS

You, the Defendant, have been sued by the Plaintiff whose name appears above. You must appear in White County Superior Court in person or by your attorney on:

\_\_\_\_\_, 20\_\_ at \_\_\_\_\_ A.M. / P.M. for the hearing.

Plaintiff's claim is for:

- Contract, Note, or Account (copy attached).
- Personal Injury or Property
- Other, \_\_\_\_\_

A brief statement of the Plaintiff's claim against you is as follows: \_\_\_\_\_

The Plaintiff, demands judgment against you for \$ \_\_\_\_\_ plus court cost fees of this action, and applicable interest, if any.

\_\_\_\_\_

Date

\_\_\_\_\_

Plaintiff or Attorney Signature

(Attorney must sign if Plaintiff is represented by an Attorney)

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

\_\_\_ CERTIFIED MAIL

\_\_\_ SHERIFF of \_\_\_\_\_ County

\_\_\_\_\_

Date

\_\_\_\_\_

Clerk of White County

STATE OF INDIANA    )  
COUNTY OF WHITE    )

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CAUSE NO: 91D01-

Plaintiff's Name: \_\_\_\_\_

\_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Defendant's Name & Address

**AFFIDAVIT OF DEBT**

SMALL CLAIMS APPENDIX A.

Comes now affiant, and states:

Plaintiff:

- Is the owner of this debt, and evidence of the debt, as required in Rule 2 (b) (4)(a) and (b), is attached as one or more Exhibits to this Affidavit.

OR

- Has obtained this debt from \_\_\_\_\_ and the original owner of this debt, as required in Rule 2 (B) (4) (c), is attached as one or more Exhibits to this Affidavit.

\_\_\_\_\_

Date

\_\_\_\_\_

Plaintiff or Attorney Signature

(Attorney must sign if Plaintiff is represented by an Attorney)

STATE OF INDIANA )  
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**RETURN OF SERVICE**

I hereby certify that I have served the within Notice of Claim and Notice to Appear for Trial:

1. By delivering a copy of the same to the defendant, \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

2. By leaving a copy of the same at:

\_\_\_\_\_  
\_\_\_\_\_ being the dwelling place or usual  
place of abode of the said defendant, with a person of suitable age and discretion residing  
therein, residing therein, namely \_\_\_\_\_.

\_\_\_\_\_  
Sheriff of \_\_\_\_\_ County, \_\_\_\_\_

By: \_\_\_\_\_

## IMPORTANT INFORMATION CONCERNING THIS ACTION

1. If you are the defendant, you need to appear in Superior Court (3<sup>rd</sup> 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](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