WABASH COUNTY LOCAL COURT RULES
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(Updated 2025)

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Administrative Rules (AR)

LR85-AR00-1 Persons Authorized to Practice

(A) The bars of all courts of the State of Indiana shall consist of those persons who have complied with the Supreme Court Rules for Admission to the Bar of Indiana, and are duly admitted to practice law in this State.

All attorneys so admitted shall be entitled to practice law before the Circuit and Superior Courts of Wabash County, Indiana.

(B) No person shall be permitted to practice before these Courts or before any officer thereof as an attorney, except in his or her own behalf as a party, unless he or she has been admitted to practice law in the State of Indiana.

(C) Foreign attorneys shall be allowed to appear in a limited manner as provided by the Indiana Trial Rules.

LR85-AR00-2 Withdrawal of Original Records and Papers

No person shall withdraw any original pleading, paper, record, model, or exhibit from the custody of the clerk or other officer of the Court except (1) upon order of the Court, and (2) upon leaving a proper receipt with the clerk or officer.

LR85-AR00-3 Legal Publication(s)/Resource(s)

Any publication(s)/legal resource(s) in the Judicial Center are the property of the Courts. No person shall remove any publication(s)/legal resource(s) from the Judicial Center without first contacting the Court Bailiff and notifying the Bailiff that the publication(s)/legal resource(s) is being borrowed. Any publication(s)/legal resource(s) so removed shall be retained no longer than three (3) days, excluding weekends and holidays. Persons holding publication(s)/legal resource(s) longer than three (3) days will be fined fifty (50) cents per day that the publication(s)/legal resource(s) book is overdue, and may be subject to suspension of removal privileges.

The Courts have made arrangements for the establishment of electronic research facilities in the Wabash Carnegie Library and the North Manchester Public Library. Counsel and the general public shall be required to abide by any rules adopted by the respective libraries, including any required fees, in the utilization of such of those facilities.

LR85-AR15-4 Court Reporter Transcript and Preparation
Section One. Definitions The following definitions shall apply under this local rule:

(1) A Court Reporter is a person who is specifically designated by a court to perform the official court reporting services for the court including preparation of a transcript of the record.

(2) Equipment means all physical items owned by the court or other governmental entity and used by a court reporter in performing court-reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording, storing, and transcribing electronic data.

(3) Work space means that portion of the court's facilities dedicated to each court reporter, including, but not limited to, actual space in the courtroom and any designated office space.

(4) Page means the page unit of transcript that results when a recording is transcribed in the form required by Indiana Rule of Appellate Procedure 7.2.

(5) Recording means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.

(6) Regular hours worked means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each work week.

(7) Gap hours worked means those hours worked that are in excess of the regular hours worked, but hours not in excess of forty (40) hours per work week.

(8) Overtime hours worked means those hours worked in excess of forty (40) hours per work week.

(9) Work week means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year; i.e. Sunday through Saturday; Wednesday through Tuesday; Friday through Thursday.

(10) Court means the particular court for which the court reporter performs services. Court may also mean all of the courts in Wabash County.

(11) County indigent transcript means a transcript that is paid for from county funds and is used for the use on behalf of a litigant who has been declared indigent by a court.

(12) State indigent transcript means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.

(13) Private transcript means a transcript, including, but not limited to, a deposition transcript that is paid for by a private party.

Section Two. Salaries and Per Page Fees

(1) Court Reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work hours, gap hours or overtime hours. The supervising court shall enter into a written agreement specifying the manner in which the court reporter is to be compensated for gap and overtime hours; i.e. monetary compensation or compensatory time off regular work hours.

(2) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be $4.50 per page; the court reporter shall submit a claim directly to the court for the preparation of any county indigent transcripts. Further, if the court reporter uses county equipment, he/she shall pay the county five cents ($.05) per page. The court reporter may reduce the fee charged by this amount or may submit payment to the Auditor of Wabash County with an attached statement indicating a description of payment rendered.

(3) The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be $4.50 per page. Further, if the court reporter uses county equipment, he/she shall pay the county five cents ($.05) per page. The court reporter may reduce the fee charged by this amount or may submit payment to the Auditor of Wabash County with an attached statement indicating a description of payment rendered.

(4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be $5.00 per page. Further, if the Court Reporter uses county equipment, he/she shall pay or arrange for payment to the county of the fee set out in the schedule in paragraph 6 hereof. Further, if the court reporter uses county equipment, he/she shall pay the county ten cents ($.10) per page. The court reporter shall submit payment to the Auditor of Wabash County with an attached statement indicating a description of payment rendered.

(5) The maximum fee that a court reporter may charge for an expedited transcript is an additional $1.00 per page (anything prepared in ten (10) days or less).

(6) The minimum fee that a court reporter may charge for a private transcript is $35.00.

(7) Index and Table of Contents pages should be charged by the court reporter at the per page rate being charged for the balance of the transcript.

(8) An additional labor charge approximating the hourly rate based upon the court reporter's annual court compensation may be charged for the time spent binding the transcript and exhibits.

(9) Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

(10) A reasonable charge for the office supplies required and utilized for the binding and electronic transmission of the transcript, pursuant to the Indiana Rules of Appellate Procedure 28 and 29, is permissible. Any office supplies purchased by Wabash County and utilized in transcript preparation shall be reimbursed to the Auditor of Wabash County at the rate the item was purchased. If the court reporter has purchased office supplies independently, reimbursement shall be made to the court reporter and included in the court reporter's invoice at the rate the item was purchased.

Section Three. Private Practice.

(1) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's equipment, work space, and supplies, and the court agrees to the use of the court equipment for such purpose, the court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:

(a) The reasonable market rate for the use of equipment, workspace, and supplies;

(b) The method by which records are to be kept for the use of equipment, work space and supplies; and

(c) The method by which the court reporter is to reimburse the court for the use of the equipment, workspace and supplies.

(2) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.

LR85-AR81-5 Exceptions to Schedule of Adoption/Revision of Local Rules

The following exceptions may be made to adoption of local rules pursuant to Indiana Trial Rule 81

a. If a court finds "good cause to deviate from the schedule established by the Division of State Court Administration";
b. In that case, "the court may adopt or amend local rules at other times and without notice and opportunity for comment";
c. But the rule shall not take effect unless it has first been posted for thirty (30) days in the county clerk's office and on the county clerk's website (if any), an on the Indiana Judicial website.

LR85-AR81-6 Local Rules subject to Court Orders

All local rules shall be subject to change by specific order(s). To the extent an order or term of an order is in conflict with a local rule or rules, the order or term of order shall prevail.

LR85-AR1E-7 Caseload Allocation Plan

(A) Civil cases may be filed in either court in Wabash County with the following exceptions:

1. All protection order cases are filed in Superior Court. This is true unless the parties to the protection order case are also parties to a case pending in Circuit Court. In such cases, pursuant to I.C. § 31-14-16-1, the protection order case is also filed in Circuit Court.
2. All small claims cases are filed in Superior Court, or in City Court if appropriate.
3. All original dissolution proceedings are filed according to LR85-FL00-1.

(B) Criminal cases will be assigned according to LR85-CR2.2-1.

LR85-AR00-8 Retention/Destruction of Evidence Schedules

(A) In all cases, the Court shall proceed pursuant to these rules unless the Court directs a longer retention period after motion by any party or on its own motion.

(B) Retention Period for Evidence Introduced in Civil cases, including Adoption, Paternity, and Juvenile proceedings. All models, diagrams, documents or material admitted in evidence or pertaining to the case placed in the custody of the Court Reporter as exhibits shall be taken away by the parties offering them into evidence, except as otherwise ordered by the Court, four (4) months after the case is decided unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the Court Reporter for two (2) years from the termination of the appeal, retrial, or subsequent appeal and termination, whichever is later.
The Court Reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Administrative Rule 7.

(C) Retention Periods for Evidence Introduced in Criminal, Misdemeanor, Class C and Class D Felonies and Level 5 and Level 6 Felonies and Attempts Misdemeanor, Class C and Class D Felonies and Level 5 and Level 6 Felonies and Attempts. All models, diagrams, documents or mater admitted in evidence or pertaining to the case placed in the custody of the Court Reporter as exhibits shall be taken away by the parties offering them in evidence, except as otherwise ordered by the Court, three (3) years after the case is dismissed, the defendant found not guilty or the defendant is sentenced, unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the Court Reporter for three (3) years from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later, unless an action challenging conviction or sentence or post-conviction action is pending.

The Court Reporter shall retain the mechanical or electronic records or tapes shorthand or stenographic notes as provided by Administrative Rule 7.

(D) Retention Periods for Evidence Introduced In Criminal Class A and Class B Felonies, Murder and Attempts Class A and Class B Felonies, Level 1, 2, 3 and 4 Felonies, Murder, and Attempts. All models, diagrams, documents, or material admitted in evidence or pertaining to the case placed in the custody of the Court Reporter as exhibits shall be taken away by the parties offering them in evidence, except as otherwise ordered by the Court, twenty (20) years after the case is dismissed, the defendant found not guilty or the defendant is sentenced, unless an appeal is taken. If an appeal is taken, all such exhibits shall be retained by the Court Reporter for twenty (20) years from termination of the appeal, retrial, or subsequent appeal and termination, whichever is later, unless an action challenging the conviction or sentence or post-conviction action is pending.

The Court Reporter shall retain the mechanical or electronic records or tapes, shorthand or stenographic notes as provided in Administrative Rule 7.

(E) Non-documentary and Oversized Exhibits. Non-documentary and oversized exhibits shall not be sent to the Appellate level Court, but shall remain in the custody of the trial Court during the appeal. Such exhibits shall be briefly identified in the transcript where they were admitted into evidence. Photographs of any exhibit may be included in the volume of documentary exhibits.
Under no circumstances should drugs, currency or other dangerous or valuable items be included in appellate records.

(F) Notification and Disposition. In all cases, Court shall provide actual notice, by mail, to all attorneys of record and to parties only if unrepresented by Counsel, that the evidence will be destroyed by a date certain if not retrieved before that date. Counsel and the parties have the duty to keep the Court informed of their current addresses and notice of the last current address shall be sufficient. Court Reporters should maintain a log of retained evidence and scheduled disposition date and evidence should be held in a secure area. AT the time of removal, detailed receipts shall be given to the Court Reporter by the party receiving and removing the evidence and the receipt will be made part of the Court's file.

(G) In all cases, evidence which is not retaken under notice should be disposed of by the Sheriff on the Court's order. The Sheriff should be ordered to destroy evidence if its possession is illegal or if it has negligible value. Evidence of some value should be auctioned by the Sheriff with proceeds going to the county general fund.

(H) Biologically Contaminated Evidence. A party who offers biologically contaminated evidence must file a pre-trial notice with the trial Court and serve all the parties so that the Court can consider the issue and rule appropriately before trial. A party can show contaminated evidence or pass photographs of it to the jury, but no such evidence, however contained, shall be handled or passed to jurors or sent to the jury room.

Trial Rules (TR)

LR85-TR00-1 Supremacy of Indiana Rules

Any conflict between these local rules and the Indiana Trial Rules or statutes of the State of Indiana shall be resolved in favor of the Indiana Trial Rules or applicable statutes.

LR85-TR3.1-2 Requirements to Assure Recognition of Counsel

(A) Every pleading, motion or paper filed with the Court shall clearly identify the name, address, and telephone number of the attorney representing the party filing the pleading. The individual attorney responsible for the prosecution or defense of the case shall make certain that his or her name appears on the CCS of the cause. Attorneys preparing documents for filing shall have as a part of the documents the first twelve digits of the uniform case numbering system as adopted by the Supreme Court of the State of Indiana.

(B) At the time of filing the attorney shall also file his or her appearance for the party he or she intends to represent. Thereafter any attorney entering his or her appearance after the original filing of the cause shall first file his or her formal written appearance for the party he or she intends to represent.

(C) All written orders submitted to the Court for signature shall be single spaced, and shall bear in the lower left hand corner of the final page an indication of the attorney submitting such order and all other attorneys of record (or Pro Se litigants), in order that signed copies may be distributed to all parties of record and/or their attorney(s).

(D) Unless a pleading, motion or paper is personally verified by another person, any pleading, motion or paper which is not signed by at least one attorney of record as required by Indiana Trial Rule 11, or which is found not to be in conformity with the above rules shall not be accepted for filing by the Clerk. This requirement shall not apply to papers personally verified by a party. If such pleadings or orders are inadvertently accepted for filing, upon discovery of the error or omission, such pleading shall be stricken from the record unless substantial prejudice would be caused to a party by that striking.

LR85-TR3.1-3 Withdrawal of Appearance

(A) Counsel desiring to withdraw their appearance in any cause other than criminal shall file a formal request to do so. Included as a part of said request shall be a brief statement of the reasons for such request, a statement of efforts made to contact the client affected thereby, and/or evidence of written notice to the client of the request to withdraw. No request to withdraw shall be granted where the effect of the withdrawal would be to deprive the Court of jurisdiction over the party.

(B) A withdrawal of appearance accompanied by the appearance of other counsel shall constitute compliance with the requirements of paragraph (A) of this Rule.

(C) Counsel wishing to withdraw their appearance for a criminal defendant shall file a formal request to do so. Included as a part of the request shall be a brief statement of the reasons for the request, whether the request is made timely under statute, and if not timely, the statutory basis upon which the withdrawal is requested. Counsel for a criminal defendant may not be permitted to withdraw after the omnibus date solely for the reason that the defendant has not paid his fees.

(D) In "Family Law Matters" defined as any proceeding involving dissolution of marriage, child support, custody or paternity where counsel has been retained or appointed, at the conclusion of such Family Law Matter where the pending issue(s) have been resolved by the entry of a complete and final order, the Court and Counsel shall presume that an attorney's appearance has been withdrawn from that case after the expiration of thirty days from the date of entry of the final order. No formal Motion to Withdraw shall be required to be filed unless the withdrawal is sought during the course of the pending proceedings; or, if counsel wants their name removed from the Chronological Case Summary for Purposes of receiving notice.

i) Parties serving an opposing party in any Family Law Matter that has been so concluded shall be required to serve the opposing party and may not effect service by serving counsel whose name remains on the Chronological Case Summary.

LR85-TR00-4 Form and Style of Papers and Manner of Submission

(A) All papers submitted to the Clerk or judge for filing shall be flat and unfolded, unless received by mail. Typewritten pages shall have no covers or backs and shall be fastened together at the top and at no other place.

(B) All pleadings shall be file stamped before being submitted for notation on the CCS, unless filed by mail. After file stamping the documents, the attorney shall retain his copy or copies for his own use or for service upon opposing parties.

(C) Filings not requiring action by the Court may be submitted to the Reporter for entry by proposed docket entries written on minute sheets provided for that purpose. Filings requiring action by the Court should be submitted to the Court in person, or by submitting a proposed docket sheet entry on minute sheets.

(D) Agreements arrived at by the parties, whether before or at the time of hearing, shall be required to be submitted in written form by the parties with a proposed order approving such agreements.

(E) Motions for Change of Venue from the County or the Judge under the Indiana Trial Rules shall state within the motion whether they are timely filed, and if not, shall set out the grounds and be verified as required by rule.

(F) Any pleading which is found not to be in conformity with the above rules shall not be accepted for filing by the Clerk. If such pleadings or orders are inadvertently accepted for filing, upon discovery of the error or omission, such pleading shall be stricken from the record, unless substantial prejudice would be caused to a party by that striking.

LR85-TR73-5 Hearing of Motions

(A) The filing of any motion, petition or request with the Clerk of the Court or with the Court which requires oral argument or ruling by the Court shall be brought to the attention of the judge by the party filing same within three days of such filing. In the event that a case is venued to the Court as a result of a motion for change of venue filed in another county, a party who requests a hearing or ruling on any matter filed while the case was in the other county shall first bring such matter to the attention of the judge by written request for hearing or ruling. The time period for calculation of the time limits imposed under Indiana Trial Rule 53.1 shall begin to run on the date of filing of such a request for hearing or ruling.

(B) The time of hearing motions shall be fixed by the Court. Dates of hearing shall not be specified in the notice of hearing of the motion unless prior authorization shall be obtained from the judge, the reporter or bailiff. Any party may request oral argument upon a motion, but the granting of oral argument is wholly discretionary with the Court.

(C) In appropriate cases, upon request of counsel or upon order of the Court, hearings may be held by teleconference with all attorneys or parties of record.

LR85-TR53.5-6 Continuances

(A) Motions for continuance, unless made during the hearing of the cause, shall be in writing and verified. Said motions shall contain as a part thereof a statement that opposing counsel has been previously notified of the request, and an indication of the acquiescence or objection of opposing counsel to said continuance. Further, said motions shall contain an estimate of the time required for the hearing of the cause.

(B) The Court, in its discretion, may require any written motion for continuance to be signed by the party requesting same.

(C) The Court may, in its discretion, hold a hearing on the motion for continuance.

LR85-TR16-7 Pre-trial Conferences

(A) There shall be a pretrial conference in every case, civil and criminal, with the exception of dissolution of marriage and attendant actions, paternity, mental health and juvenile actions. Pretrial conferences in actions excepted by this rule may be held only upon request or upon the Courts own motion.

(B) In all cases, discovery should be completed on or before the date for the pretrial conference, unless otherwise ordered by the Court. For good cause shown, additional discovery may be ordered at any time prior to the date of trial.

(C) Parties shall be prepared at the time of the pretrial conference to discuss the status of any pending motions, to discuss whether further motions shall be filed with the Court and their subject matter, to enter into any stipulations regarding facts or exhibits, to indicate to the Court any unusual aspects of the case or any unusual instructions anticipated to be requested, and to discuss the possibility of settlement of the issues.

(D) In all civil cases to be tried to a jury, Counsel shall prepare and file with the Court a proposed final pretrial order to be submitted to the Court at the time of the final pretrial conference. Counsel shall further file at that time a proposed preliminary instruction on the issues to be decided at trial.

(E) In all cases to be tried to a jury, Counsel for the respective parties or the State of Indiana shall submit proposed final instructions to the Court no later than three days prior to trial. Such proposed instructions shall be submitted under separate cover, in duplicate, with one set bearing the number of the tendered instruction and any supporting authority, and the other without any markings indicating the party submitting the instructions, with the exception of the attached cover sheet.

LR85-TR40-8 Trial Assignment

(A) Matters shall be set for trial as first, second, third, fourth or fifth settings. Counsel shall be prepared for trial on the date so set, regardless of the nature of the setting. The Court may set additional settings as the Court may determine appropriate.

(B) In all civil cases, matters shall be set for trial and pretrial conference upon the Court's own motion or upon request therefore by Counsel or a party to the action. Parties requesting a trial setting shall indicate in the request whether the trial is to the Court or a jury, and the anticipated length of trial.

Counsel for the Plaintiff shall inform the Court no later than ten (10) days before trial as to whether settlement of the issues has been achieved. Second, Third, Fourth and Fifth (and further) settings shall be required to stand trial on the date so set unless notified seven (7) days in advance of trial that the primary setting will be tried.

(C) In all criminal cases, matters shall be set for trial and pretrial conference at the conclusion of the initial hearing in the cause.

(D) In all criminal cases, Counsel for the State and Defense shall confirm with the Court's Bailiff, not less than seven (7) days prior to the trial, whether the trial will proceed. Failure to confirm may result in loss of the trial date.

LR85-TR33-9 Interrogatories

(A) No duplicated forms containing interrogatories shall be served upon a party unless all interrogatories or special forms are consecutively numbered and applicable to the particular cause in which they are sought.

(B) The number of interrogatories which may be served upon an opposing party shall be limited so as to require the opposing party to make no more than one hundred (100) individual answers. Each interrogatory shall be numbered individually and consecutively. To the extent a party submits interrogatories exceeding the number allowed and without obtaining prior Court approval therefore, the responding party shall only be obligated to answer the first one hundred (100) individual answers. Waiver of this limitation will be granted by the Court in cases in which the limitation would work a manifest injustice or would be impractical due to the complexity of the case.

LR 85-TR 79-10 Selection of a Special Judge Pursuant to Trial Rule 79(H)

Pursuant to TR 79(D) - Within seven (7) days of the notation on the Chronological Case Summary (CCS) of an Order granting a change of judge or an order of disqualification, the parties may agree to the appointment of an eligible special judge. An eligible special judge is a judge, a full-time judicial officer, or a senior judge assigned to the Court. The agreement of the parties must be in writing and filed in the Court where the case is pending.

If the selection of a special judge is not agreed upon, then the remaining full-time judge in the County shall be named as special judge.

If that judge cannot serve, then the Clerk shall appoint a special judge, on a rotating basis, from the remaining full-time judges or full-time judicial officers (as defined in TR 79(J)), within the district as follows:

Adams Circuit Court; Adams Superior Court; Huntington Circuit Court; Huntington Superior Court; Wells Circuit Court; and Wells Superior Court. The Clerk shall also maintain a list for appointment of full-time judges who have agreed to serve as special judge from the following contiguous counties: Grant, Miami, Fulton, Kosciusko, and Whitley; and a list of senior judges who have agreed to serve as special judges. If that judge cannot serve, then the Clerk shall continue the appointment process until a special judge is selected. If no judge is eligible to serve as special judge, or if the particular circumstances of the case warrants the selection of a special judge by the Indiana Supreme Court, then the Court shall certify that fact to the Indiana Supreme Court.

Family Law (FL)

LR85-FL00-1 Allocation of Dissolution Proceedings between Circuit and Superior Courts

All original dissolution proceedings shall be filed on an alternate basis between the Wabash Circuit and Wabash Superior Courts. The first such filing annually shall be filed in the Wabash Circuit Court and then to the Wabash Superior Court and alternating thereafter with each case filed.

LR85-FL00-2 Dissolution Proceedings

(A) Not less than one (1) business day before the time of final hearing on any contested dissolution, the parties to the dissolution shall submit to the Court an affidavit, under penalties of perjury, setting forth all of the property owned by the parties, their estimate of the value of the property when the dissolution was filed and their proposed distribution. As a part of the affidavit, the parties shall also list all outstanding debts of the parties, the amounts owed as of the date of filing and their proposed distribution. Each affidavit shall include the following:

1. A general statement of household furnishings, furniture, appliances and equipment, unless the value of an individual piece exceeds $100.00. Such a piece should then be listed as a separate item.
2. Vehicles of any kind
3. Securities - stocks, bonds etc.
4. Cash and Deposit Accounts of any kind
5. Life Insurance policies which have any cash surrender value
6. Profit sharing or retirement accounts and a statement of whether all or any is vested
7. Real Estate.
8. Business interest, including name, type, value and indebtedness.
9. Any other assets not included in the foregoing.

(B) In addition to preparing an Affidavit as described above, the parties shall further:

1) Exchange with each other such Affidavits not less than seven (7) days before trial;
2) Each Affidavit shall list the property and debts of the parties in the same order and using the same numbers. To the extent respective Affidavits include property or debts not included by the other party they shall be separately numbered. Each party shall further indicate on their Affidavit which assets and debts they are in agreement or disagreement on (whichever is easier) as to values, which may be accomplished by highlighting such agreed or disagreed values or by such other method to reflect areas of agreement or disagreement as the parties shall determine will aid the Court; and,

3) Submit to the Court on the date of trial a copy of their Affidavit in electronic format via e-mail, compact disc or diskette and in a format compatible with the Courts word processing software.

(C) Failure to comply with this rule may be deemed an admission by the noncomplying party as to the accuracy of the other parties Affidavit.

Probate Proceedings (PR)

LR85-PR00-1 Probate Proceedings

(A) In every estate the personal representative, before entering upon his or her duties, shall file a bond not less that the value of the personal property to be administered, except as provided in the following circumstances:

1. Where, under the terms of the Will, the testator indicates that the bond may be dispensed with.
2. Where the personal representative is an heir or legatee of the estate, the bond may be reduced by the personal representative's share.
3. Where the heirs have filed a written request that the personal representative serve without bond.
4. Where the personal representative is a banking institution.

(B) Every personal representative shall close the estate as promptly as possible. Unless for good cause shown, the time for filing a final account in the estate shall not exceed one (1) year from the appointment of a personal representative. A personal representative who does not timely file a closing statement as required shall file with the Court a statement indicating why the estate has not been closed. This statement will be filed at the time the closing statement is due, if the closing statement is not timely filed.

Good cause for not closing an estate as so directed shall be shown by filing an intermediate accounting no later than thirty (30) days after the expiration of one year. The accounting shall propose partial distribution to the extent that it can be done without prejudice to distributees and claimants.

Failure to comply with this rule shall be grounds for the removal of the personal representative and forfeiture of personal representative and attorney fees.

(C) Damages payable by reason of wrongful death claims or suits shall be distributed in accordance with the applicable statute, and are not distributable in accordance with any other instrument.

Jury Rules (JR)

LR85-JR00-1 Jury Selection

The passing of a juror once, after he/she has been examined, tendered to, and accepted by the other party will be deemed to be a waiver of the right to challenge further, unless new conditions arise calling for further examination of the juror. Where both parties strike the same juror, the strike shall be counted against the State/ Plaintiff in the first round and the Defendant in the second round and shall alternate thereafter. The Judge of each respective Court may deviate from this rule but only upon advising the parties of the deviation prior to the commencement of jury selection and only upon reflecting the nature of the deviation on the Chronological Case Summary.

LR85-JR00-2 Notice/Summons of Jurors

Wabash County uses the two-tier process for sending notice/summons to prospective jurors.

Criminal Rules (CR)

LR85-AR 1(E) (6) Allocation of Criminal Proceedings between Circuit and Superior Courts

I – Case Allocation

(A) Felony Cases

1. All cases wherein the most serious charge filed is a Class A, Class B, or Class C felony or murder shall be filed in the Wabash Circuit Court.
2. All cases wherein the most serious charge filed is a Level 1, Level 2, Level 3, Level 4, or Level 5 felony or murder shall be filed in the Wabash Circuit Court.
3. All cases wherein the most serious charge filed is a Class D felony shall be assigned on an alternating basis, first to the Wabash Superior Court and then to the Wabash Circuit Court and alternating thereafter with each case filed, with the exception of those cases listed in Section Five below.
4. All cases wherein the most serious charge filed is a Level 6 felony shall be assigned on

an alternating basis, first to the Wabash Superior Court and then to the Wabash Circuit Court and alternating thereafter with each case filed, with the exception of those cases listed in Section Six below.

5. All cases charged as a Class D felony and which involve the operation of a motor vehicle or watercraft shall be filed in the Wabash Superior Court.

6. All cases charged as a Level 6 felony and which involve the operation of a motor vehicle or watercraft shall be filed in the Wabash Superior Court.

(B) Misdemeanor Cases

1. All cases wherein the most serious charge filed is a Class A, Class B, or Class C misdemeanor shall be filed in the Wabash Superior Court.

(C) Infractions

1. All cases wherein the most serious charge filed is an infraction shall be filed in the Wabash Superior Court.

II - Criminal Case Transfers

A. The judges of the Wabash Circuit or Superior Courts may transfer and reassign any criminal cause from their respective Courts upon a finding by the judge seeking transfer of just cause to do so.

The Judge of the Court to which transfer is sought shall determine whether the Court has jurisdiction to hear the cause, and may accept or reject such transfer.

An appropriate order shall be prepared and entered in the Record of Judgments and Orders regarding the transfer and acceptance of transfer.

III - Dismissal and Refiling

When the State of Indiana through its Prosecuting Attorney or Deputy Prosecuting Attorneys dismisses a criminal cause and later chooses to refile the cause, or to refile other charges related to the incident which is the basis for the charge, the case shall be assigned to the court from which the original dismissal was sought.

LR 85-AR 21 Selection of Special Judges

In any criminal case in which a special judge must be appointed, the Clerk of the Court shall select the Special Judge in accordance with the following procedures: If the Special Judge is required to be appointed on a case in the Wabash Circuit or Superior Court, then the remaining full-time judge in the County shall be named as Special Judge. If that judge cannot serve, then the Clerk shall appoint a Special Judge from the following contiguous counties: Fulton, Grant, Huntington, Kosciusko, Miami, and Whitley; the Adams Circuit and Superior Courts; the Wells Circuit and Superior Courts; or full-time judicial officers of the respective counties; and, a list of senior judges who have agreed to serve as special judges.

Miscellaneous Rules (MI)

LR85-MI00-1 Alcohol and Drug Court Fee

Those persons directed to participate in the Wabash County Alcohol/Drug Court Program shall pay a $300 program fee, as well as any additional costs associated with recommended treatment.

LR85-MI00-2 Wabash County Drug Court Program

Those persons directed to participate in the Wabash County Drug Court Program shall pay an initial one-hundred dollar ($100.00) administrative fee and a Problem-Solving Court Services fee not to exceed fifty dollars ($50) per month per referral to a Problem-Solving Court.

LR85-MI00-3 Wabash County Reentry Court Program

Those persons directed to participate in the Wabash County Reentry Court Program shall pay an initial $100.00 administrative fee plus an additional $50.00 monthly user fee.