

## Small Claims Rules

### **Rule 12. Venue**

#### **(A) Proper Venue.**

(1) Proper venue for a case filed in the small claims docket of a Circuit, ~~or Superior, or County~~ Court shall be in the county where the transaction or occurrence ~~actually~~ took place, ~~or~~ where the obligation was incurred or is to be performed, or where ~~one of the~~ defendants resides or ~~is employed has his or her place of employment~~ at the time the complaint is filed.

~~(2) Except as provided in (3) below, proper venue for a case filed in a small claims court created pursuant to IC 33-34-1-2 shall be in the township where the transaction or occurrence took place, where the obligation was incurred or is to be performed, or where a defendant resides or is employed at the time the complaint is filed.~~

(3) Proper venue of any claim between landlord and tenant, including but not limited to a claim for rent, ~~for~~ possession of real estate, ~~for~~ return of property, ~~for~~ return of security deposit or for damages, filed in ~~county a~~ small claims courts created pursuant to IC 33-34-1-2 shall be in the ~~county and~~ township ~~division of the Small Claims Court~~ where the real estate is located, ~~unless there is no small claims court in that township. In the event there is no court division existing in the township where the real estate is located, such claim may be filed in any of the townships of the county.~~

**(B) Motion to Correct Venue.** When it appears that the county or township, in the case of small claims courts created pursuant to IC 33-34-1-2 in which the action is pending is not the proper place for the hearing of such action, the court shall, on the motion of a party or upon its own motion, determine the correctness of the venue. If the venue is incorrect the judge shall, at the option of the plaintiff, order the action to be transferred or dismissed without prejudice unless the defendant appears and waives the venue requirement.

**(C) No Waiver of Venue.** No contract or agreement shall operate as a waiver of the provisions of this rule and the court shall treat any such attempt as being void.