

NOTICE OF CLAIM FOR RELIEF

SUMMONS

STATE OF INDIANA, COUNTY OF MARION, ss:

Pike Township of Marion County Small Claims Court
5665 Lafayette Road
Suite #B
Indianapolis, IN 46254 - Phone (317) 293-1842
Fax (317) 290-8319

Plaintiff: (name, address & phone number)
vs.

Service Requested:

- .. Personal
.. Copy
.. Certified Mail

Cause No: 49K05- -SC-

Defendant: (name, address & phone number)

The said Plaintiff complains to the Defendant and says: That the Plaintiff is the owner and entitled to possession of the following described property--attach additional exhibits if necessary:

Which has a value of \$, of which Defendant(s) has possession without right, and which unlawfully detained, that demand has been made upon said Defendant(s), and same has not been taken by execution or other writ against the Plaintiff. Plaintiff demands judgment for the recovery or the value thereof, damages, court costs, and all other proper relief. The undersigned, under penalty for perjury, swears or affirms the above representations are true and correct.

Dated

Plaintiff or Plaintiff's Attorney

TO ANY CONSTABLE OF THIS TOWNSHIP: You are hereby commanded to summon the above defendant(s) to appear before me in court on at o'clock M to answer the plaintiff in a trial on the above claim and to make due return of this Notice of Claim.

Dated

Judge, A. Douglas Stephens

CONSTABLES RETURN OF SERVICE OF NOTICE OF CLAIM

I certify that I have served this Notice of Claim on

- 1) By reading a Claim to the Defendant.
2) By leaving a copy of the Notice of Claim at the above address, which is the dwelling place or usual place of abode of the Defendant and by mailing a copy of the Notice of Claim to said Defendant at same.
3) Other service remarks:

NOTICE TO ALL PARTIES:

- o The nature of the Plaintiff's claim against you and demand made is stated above.
o The Defendant should bring to the hearing all documents in his/her possession relating to this claim that he/she intends to present as evidence.
o You may represent yourself or hire an attorney
o If the Defendant does not wish to dispute the claim of the Plaintiff, he/she may appear to agree to a judgment and for the purpose of allowing the court to establish a method by which the judgment shall be paid.
o If the Defendant cannot appear at the time and place set of the hearing, he/she shall write the Court at the above address requesting a trial setting at a future date.
o If the Defendant fails to appear in Court at the time set for the hearing, a default judgment may be entered against the Defendant.
o The Plaintiff waives a trial by jury by filing his/her claim in the Small Claims Court.
o The Defendant waives trial by jury also unless he/she requests a jury trial within ten (10) calendar days of the receipt of the Notice of Claim. Once a request for trial by jury is granted, a transfer fee for transfer to the Superior Court must be paid within ten (10) calendar days. If the fee is not paid, waiver of jury trial occurs. Once a request is made and fee paid, request cannot be withdrawn without the consent of the other party.
o The Defendant may file a change of venue of this matter, if he feels the venue is improper. Proper venue is determined by the court in the following order:
(1) In an action upon a debt or account, venue is in the township where any defendant has consented to venue in a writing signed by the defendant.
(2) Venue is in the township where a transaction or occurrence giving rise to any part of the claim took place.
(3) Venue is in the township (in a county of the Small Claims Court) where the greater percentage of individual defendants included in the complaint resides, or, if there is no such greater percentage, the place where any individual defendant so named resides, owns real estate, or rents an apartment or real estate or where the principal office or place of business of any defendant is located.
(4) Venue is in the township where the claim was filed if there is no other township in the county in which the small claims court sits in which required venue lies.