

KOSCIUSKO SUPERIOR COURT NO. 3
JUSTICE BUILDING
121 N. LAKE STREET
WARSAW, INDIANA 46580
(574) 372-2455

NOTICE OF CLAIM

Cause No. 43D03-_____

Name

Name

Name

Address

Address

City/State/Zip

City/State/Zip

Telephone No.

Telephone No.

PLAINTIFF

Attorney No.

ATTORNEY FOR PLAINTIFF

VS.

Name

Name

Address

Address

City/State/Zip

City/State/Zip

Telephone No.

DEFENDANT

Telephone No.

DEFENDANT

Service by ☐ Certified Mail ☐ Sheriff

TO THE DEFENDANT:

You have been sued by the Plaintiff(s) whose name(s) appears above. **YOU ARE HEREBY NOTIFIED** that a trial of this claim is set for

(month)

(day)

(year)

at

(time)

IMPORTANT INSTRUCTIONS CONCERNING YOUR RIGHTS ARE CONTAINED ON REVERSE SIDE OF THIS NOTICE.

At the initial trial setting, the Judge or a court representative will meet with the parties to finalize the issues of the case or formalize any agreements. You should bring your documents regarding the claim, but not witnesses. If an agreement is not reached, a pretrial conference will be held and a contested trial will be scheduled giving consideration to the amount of time that will be required for the issues of the case. **If you do not appear in the Kosciusko Superior Court No. 3 located at 121 N. Lake Street, Warsaw, Indiana on the date and time of the initial trial setting, a judgment may be entered against you.** A brief statement of the Plaintiff's claim against you is as follows:

Exhibits Attached: Account _____ Contract _____ Other _____

The Plaintiff(s) demands judgment against Defendant(s) for \$ _____ and/or recovery of said property which has a value of \$ _____, plus court costs and interest as allowed by law.

Signature of Plaintiff/Attorney

HPC17-706

IMPORTANT INFORMATION CONCERNING THIS CLAIM

1. Either the Plaintiff(s) or the Defendant(s) may represent himself or be represented by an attorney. However, all corporations MUST be represented by an attorney where the claim exceeds \$1,500.00 (one thousand five hundred dollars). If the claim does not exceed \$1,500.00, the corporation, sole proprietor, or partnership may be represented by a full-time employee designated by the corporation, sole proprietor, or partnership prior to the trial on a form available from the Clerk and in accordance with the current provisions of Small Claims Rule 8(c). The corporation may have only one designee per case.
2. If the Defendant(s) has any claim against the Plaintiff(s) the Defendant(s) may bring or mail a statement of such claim to the small claims court within such time as will allow the court to mail a copy to the Plaintiff(s) and be received by the Plaintiff(s) at least seven (7) calendar days prior to the trial. If such counterclaim is not received within this time the Plaintiff(s) may request a continuance pursuant to Small Claims Rule 9. The counterclaim must conform with the requirements of Small Claims Rule 2(b)(4).
3. If you find that you are unable to appear for the initial trial setting at the date, time and place scheduled, you should request a continuance of the initial trial setting in writing as soon as possible. This can be done either by mail or by personally appearing at the Clerk's office. **No request for a continuance of the initial trial setting made by telephone will be granted.** The Court may deny written requests for a continuance if they are made too close to the scheduled initial trial date to prevent notifying the opposing party of the continuance. All correspondence regarding continuances should be made to the Clerk of the Court, 121 N. Lake Street, Warsaw, Indiana 46580.
4. The initial trial date is stated on the front of this document. If the Defendant(s) fails to appear at the initial trial, a default judgment may be rendered against the Defendant(s). If the Plaintiff(s) fails to appear, the Claim will be dismissed.
5. If a settlement is not reached at the initial trial, a contested trial will be scheduled for a later date and time. Plaintiffs and Defendants must bring to the contested trial all documents in their possession or control concerning this claim. At the contested trial, both parties must be prepared to present their case. The parties must have ALL evidence or witnesses at the contested trial. No continuances will be granted due to a parties' failure to prepare for trial. Either party may request the Court to issue a subpoena for a witness who is reluctant to attend.
6. If the Defendant(s) does not wish to dispute this claim, he may appear in Court at the time specified to establish the method by which the judgment is to be paid.
7. If a settlement of this claim is made out of court, the parties must submit the settlement in writing to the Judge of this Court for his approval before the settlement can become a judgment against the Defendant(s), or a dismissal may be entered on the record.
8. By filing the claim, the Plaintiff(s) waives the right to trial by jury. The Defendant(s) may, within ten (10) days from receipt of this notice, make a demand for a jury trial by filing an affidavit stating that there are questions of fact requiring a trial by jury. Upon payment of a transfer fee, the claim will then be transferred to the plenary docket and tried according to the formal rules of procedure and evidence. Once a jury trial request has been granted, it may not be withdrawn without the consent of the other party or parties.
9. Both the Defendant(s) and the Plaintiff(s) MUST advise the Court of any change in their address or telephone number which occurs after receipt of this Notice of Claim.