

NOTICE OF SMALL CLAIMS

LAWRENCE SUPERIOR COURT II

Courthouse Plaza-Lower Level

918 16th Street, Suite 400

BEDFORD, IN 47421

(812) 275-4161

Cause No. 47DO2 _____

PLAINTIFF

DEFENDANT

CO-DEFENDANT

Name _____

Name _____

Name _____

Address _____

Address _____

Address _____

City/ _____

vs. City/ _____ vs.

City/ _____

State/Zip _____

State/Zip _____

State/Zip _____

Telephone _____

Telephone _____

Telephone _____

Email _____

Email _____

Email _____

TO THE DEFENDANT:

The above-named plaintiff has filed a claim against you. You must appear in the Lawrence Superior Court II for a trial

upon this claim on the _____ day of _____, 2021, at _____ a.m./p.m

A brief statement of the nature of the plaintiff's claim is as follows: _____

(If the above claim is an account of note those documents must be attached. If the claim comes from a written contract, that must also be attached or explain why this is not possible.)

The Plaintiff demands judgment against the Defendant for \$ _____ plus statutory interest from the date plus court costs of \$97.00 (Plus \$10.00 for each additional Defendant) (Plus \$28.00 service fee when applicable).

Signature of Plaintiff

INSTRUCTIONS TO DEFENDANT

1. Although you and Plaintiff may be represented by an attorney at trial, you are not required to have an attorney represent you. Corporations must be represented by an attorney except for certain exceptions.
2. Non-incorporated businesses may designate a full-time employee to appear if certain requirements are met.
3. You have a right to trial by jury. You will lose that right unless you request a jury trial in writing within ten (10) days after you receive this notice and follow all other legal requirements.
4. If you properly request a jury trial and your request has been granted, it may not be withdrawn without the consent of the other party or parties; and within ten (10) days after the jury trial request has been granted, the party requesting a jury trial shall pay the clerk the additional amount required by statute to transfer the claim to the plenary docket; otherwise the party requesting a jury trial shall be deemed have waived the request.
5. Should you fail to appear in Court on the date set for any hearing or trial, a default judgment may be entered against you by the Court. If you do not dispute Plaintiff's claim, you may nonetheless appear for the purpose of allowing the Court to establish a method by which the judgment shall be paid.
6. **If you pay the claim in full plus court costs, before hearing date you do not have to appear.**
7. If you have a claim against the Plaintiff which arises from the same circumstances as Plaintiff's claim against you, you should file the (counter)claim as soon as possible since the law requires that Plaintiff receive notice of your counterclaim at least seven (7) days prior t trial.
8. You should bring to the trial all documents in your possession or under your control concerning Plaintiff's claim. All witnesses you wish to call should be present at trial. Subpoenas are available for that purpose.
9. Contact the Court in writing at the above address if you are unable to appear at the time or place designated in the notice. Continuances requested less than seven (7) days prior to trial will not be granted unless good cause is shown.
10. A Small Claims Handbook is available from the Clerk of the Court to all parties as a public service to help you or Plaintiff understand the procedures and policies of the Small Claims Court.

AFFIDAVIT OF DEBT

Comes now affiant, and states:

I _____ am _____ Plaintiff
(Name of Affiant) OR
_____ a designated full-time employee of _____
(Name of Plaintiff)

I am of adult age and am fully authorized by Plaintiff to make the following representations. I am familiar with the recordkeeping practices of Plaintiff. The following representations are true according to documents kept in the normal course of Plaintiff's business and/or my personal knowledge:

Plaintiff:

_____ is the original owner of this debt.
OR
_____ has obtained this debt from _____ and the original owner of this debt was _____.

_____, Defendant, has an unpaid balance of \$_____
(Name of Defendant)
on account _____. That amount is due and owing to Plaintiff.
(last 4 digits of number or id only)

This account was opened on _____. The last payment from Defendant was received on _____ in the amount of \$_____.

The type of account is:

- ___ Credit card account (i.e. Visa, Mastercard, Department Store, etc.)
List the name of the Company/Store issued credit card: _____
___ Account for utilities (i.e. telephone, electric, sewer, etc.)
___ Medical bill account (i.e. doctor, dentist, hospital, etc.)
___ Account for services (i.e. attorney fees, mechanic fees, etc.)
___ Judgment issued by a court (a copy of the judgment is required to be attached)
___ Other: (Please explain) _____

This account balance includes:

- ___ Late fees in the amount of \$_____ as of _____.
(Month, Day, Year)
___ Other (Explain _____)
___ Interest at the rate of _____% beginning on _____.
(Month, Day, Year)

Plaintiff:

___ is seeking attorney's fees and additional evidence will be presented to the court prior to entry of judgment on attorney's fees.
OR
___ is not seeking attorney's fees.

Plaintiff believes that defendant is not a minor or an incompetent individual. I swear or affirm under the penalties of perjury that the foregoing representations are true.

Dated: _____ Signature of Affiant: _____