

FILING SMALL CLAIMS:

REQUIREMENTS TO FILE IN WHITLEY COUNTY:

Defendant must live in Whitley County OR Action has taken place in Whitley County

Notice of Claim forms are available from the clerk's office without charge.

SERVICE:

You must fill out several copies of a Notice of Claim form by briefly and clearly stating in writing the nature and amount of your claim against the Defendant.

- Sheriff Service * – 5 copies of Notice of Claims forms with **affidavits**
Original for Court, One for Plaintiff, Three for Defendant (if there is more than one defendant being served separately or at different addresses, we will need to have a separate set of Notice of Claim form for each defendant) ***Additional \$28.00**
- Confirm Delivery – 3 copies. Original for Court, One for Plaintiff, One for Defendant (if there is more than one defendant being served separately or at different addresses, we will need to have a separate set of Notice of Claim form for each defendant)

If your suit is based upon a written contract, lease or account, you must provide to the court one (1) copy of the contract, lease or account statement for the court records and one (1) copy for each defendant. This written document is an **Affidavit**. You **MUST** provide an affidavit at the time of filing. The Judge will dismiss a Notice of Claim filed without an **Affidavit**.

You must give the clerk the correct name, address, and telephone number of the Defendant. Be sure the named Defendant is the real party in interest. For example, following an automobile accident, you should sue the driver of the other vehicle, not his or her insurance company.

You must pay the cost of filing the suit regardless of whether you choose to have the Notice of Claim delivered by Confirm Delivery, or by sheriff delivery to the Defendant. If you win your suit, the Defendant may be ordered to repay this money to you. You will not be repaid if you lose.

COSTS:

Filing Fee - \$97.00 for one (1) defendant plus \$10.00 for each additional defendants named on the case.

SERVICE BY:

***Sheriff** - \$28.00 service of process fee. For post judgment service, an additional one-time fee of \$28.00 shall be collected.

Confirm Delivery – The mailing sent out for service is paid out of the court costs.

SUIT LIMITS:

Individual \$6,000.00

Corporation \$1,500.00

(Corporations, Sole Proprietorships or Partnerships require a corporate resolution to be on file with the clerk designating a full-time employee authorized to represent the business. Each designated employee must complete a resolution.)

STATE OF INDIANA)
) SS:
COUNTY OF WHITLEY)

IN THE WHITLEY SUPERIOR COURT
101 W Van Buren Street, Third Floor, Courthouse
Columbia City, IN 46725-2051
Telephone (260) 248-3119

Cause No. 92D01-

Name

Name

Name

Name

Street Address

VS

Street Address

City, State, Zip

City, State, Zip

Phone and Email

Phone

Plaintiff

Defendant

NOTICE OF CLAIM

Comes now the Plaintiff and states that the Defendant owes the Plaintiff the sum of \$ _____

for _____.
Attached to this Notice is a copy of this written agreement or open account, if claim is based on said agreement or account.

You must appear in Court for hearing on this claim on _____, at _____.
If you do not appear, judgment by default for the amount claimed and the court costs may be entered against you.

Amount of Claim \$ _____
(\$6,000 Max. Individual/\$1500 Business)

Plaintiff

\$10.00 per Add'l Defendant + \$ _____

Plaintiff

\$28.00 for Sheriff Service + \$ _____

Attorney for Plaintiff

Court Costs + \$ 97.00

Total = \$ _____

Attorney Number

You may pay the claim and court costs to the Plaintiff at any time before the hearing date and the claim will be dismissed. If the claim and court costs are not paid in full, judgment may be taken for the amount still owed. If you admit the claim, you may appear in Court to allow the Court to establish a payment plan.

Individuals may appear in person or by an attorney. All corporations must be represented by an attorney or by an employee of a corporation in specific circumstances only.

You should bring to the hearing all documents in your possession concerning the claim. If your defense is supported by witnesses, they should be present at the hearing.

If you are unable to appear on the hearing date, you must contact the Court not less than 7 days before the hearing date. The Court will grant only 1 continuance to each side.

You have 10 days from receipt of this notice to file an affidavit requesting a jury trial and to pay the costs to transfer the case. Otherwise, you waive your right to trial by jury.

If you have a counterclaim arising from the same transaction or occurrence which is the subject matter of the Plaintiff's claim, you may file a statement of the claim with the Clerk and send a copy to the Plaintiff at least 11 days before the hearing date.

If you intend to contest this claim, notify the Court at least 7 days before the hearing date by calling 248-3119. WCCO-0009

SHERIFF'S RETURN OF SERVICE

I hereby certify that I served the within Notice of Small Claims as follows:

NO. 1 (____) By delivering on the _____ day of _____, 20____, a copy of the Notice at _____ PERSONALLY.

NO. 2 (____) By leaving on the _____ day of _____, 20____, a copy of the Notice at _____ which is the dwelling house or usual place of abode of the Defendant _____ with _____

a person of suitable age and discretion residing therein, and by mailing a copy of the Notice by first class mail on said date to said Defendant at his last known address which is: _____

Other _____

All done in _____ County, Indiana

Dated _____ Sheriff of _____ County, Indiana

By _____ Deputy

SHERIFF'S RETURN OF NON-SERVICE

I hereby certify that service of the Notice of Claim was not made because:

NO. 1 The Defendant _____ was not found in person in my bailiwick.

NO. 2 The Defendant _____ does not have a dwelling house or usual place of abode with some person of suitable age and discretion residing therein with whom a copy of the Notice of Claim could be left, in my bailiwick.

NO. 3 _____

Sheriff of _____ County, Indiana

By _____ Deputy