

**NOTICE OF CLAIM FOR POSSESSION OF REAL ESTATE**

**SUMMONS**

**AND REMOVAL OF TENANT'S PERSONAL PROPERTY**

STATE OF INDIANA, COUNTY OF MARION, SS:

In the MARION COUNTY  
SMALL CLAIMS COURT  
LAWRENCE TOWNSHIP DIVISION  
4455 McCOY STREET  
LAWRENCE, INDIANA 46226  
(317) 545-2369

\_\_\_\_\_  
\_\_\_\_\_  
Plaintiff: name, address & phone number

vs. \_\_\_\_\_

CAUSE NO. \_\_\_\_\_

Defendant: name, address & phone number

The said Plaintiff complains of the Defendant and says: That on \_\_\_\_\_  
the Plaintiff rented to the Defendant the premises located at \_\_\_\_\_

\_\_\_\_\_, in Marion County, Indiana at a rent of \$ \_\_\_\_\_  
per week/month and that on \_\_\_\_\_ said tenancy expired by the terms thereof for the  
reason: \_\_\_\_\_

That ever since said date, the Plaintiff has been entitled to the possession of said premises. That the Defendant  
unlawfully holds over and detains possession of said premises from the Plaintiff to his damage in the sum of  
\$ \_\_\_\_\_ \* WHEREFORE, Plaintiff demands judgment for the possession of the premises and  
for said damages, court costs, and other proper relief.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff

**\*AND ALL RENTS UP TO HEARING DATE.**

TO ANY CONSTABLE OF THIS TOWNSHIP: You are hereby commanded to summon \_\_\_\_\_  
\_\_\_\_\_ to appear before me in court on \_\_\_\_\_ at \_\_\_\_\_  
o'clock \_\_\_\_\_. M. to answer the Plaintiff in a hearing on the above claim and to make due return of this Notice  
of Claim for Possession of Real Estate.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge

**CONSTABLES RETURN OF SERVICE OF NOTICE OF CLAIM FOR POSSESSION OF REAL ESTATE:**

I certify that I have served this Notice of Claim for Possession of Real Estate on \_\_\_\_\_.

- 1) By reading a copy of the Notice of Claim for Possession of Real Estate to the Defendant, \_\_\_\_\_.
- 2) By leaving a copy of the Notice of Claim for Possession for Real Estate at \_\_\_\_\_ which  
is the dwelling place or usual place of abode of \_\_\_\_\_ and by mailing a  
copy of the Notice of Claim for Possession of Real Estate to said Defendant at the such address.
- 3) Other service or remarks: \_\_\_\_\_

\_\_\_\_\_  
Constable

**NOTICE TO ALL PARTIES:**

- You are notified that you have been sued by the person(s) named Plaintiff in the court indicated.
- The nature of the claim against you and the demand made against you by the Plaintiff is stated in the claim.
- You may appear either in person or by attorney on the date set for trial and hearing of Plaintiff's claim.
- Both the Plaintiff and the Defendant should bring to the hearing all witnesses and all documents in their possession concerning this claim.
- If the Defendant does not wish to dispute the claim of the Plaintiff, he may appear to consent to a judgment and for the purpose of allowing the court to establish the method by which the judgement shall be paid.
- If the Defendant cannot appear at the time and place set in the notice he should contact the party filing this claim to request that the hearing be continued to another date.
- If the Defendant fails to appear in Court at the time set for the hearing, a default judgment may be entered against the Defendant.
- The filing of a civil claim in the Small Claims Court constitutes a waiver of trial by jury by the Plaintiff.
- Defendant has a right to a Jury Trial, but such right is waived unless a Jury Trial is requested within ten (10) days after receipt of the Notice of Claim.
- Plaintiff may also seek an order from the court pursuant to IC 32-7-6-1 through 32-7-6-4 for removal of tenant's personal property and sale of said property by a warehouseman of non-exempt property as defined by

## NOTICE TO ALL PARTIES

- You are notified that you have been sued by the person named Plaintiff in the court indicated.
- The nature of the claim against you and the demand made against you by the Plaintiff is stated in the claim.
- You may appear either in person or by attorney on the date set for trial and hearing of Plaintiff's claim.
- Both the Plaintiff and Defendant (s) should bring to the hearing all witnesses and all documents in their possession concerning this claim.
- If the Defendant (s) does not wish to dispute the claim of the Plaintiff, he may appear to consent to a judgment and for the purpose of allowing the court to establish the method by which the judgment shall be paid.
- If the Defendant (s) cannot appear at the time and place set in the notice, he should contact the party filing this claim to request that the hearing be continued to another date.
- If the Defendant fails to appear in Court at the time set for the hearing, a default judgment may be entered against the Defendant.
- The filing of a civil claim in the Small Claims Court constitutes a waiver of trial by jury by the Plaintiff.
- The Defendant (s) in such a case waives the right to trial by jury unless the Defendant (s) requests a jury trial within ten (10) days after receipt of the Notice of Claim; that once a jury trial request has been granted, it may not be withdrawn without consent of the other 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 the jury trial shall be deemed to have waived the request.
- The Defendant may within ten days (10) of service of the summons file a change of venue of this matter. 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.

Claims between landlord and tenants shall be in the township where the real estate is located.