

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

IN THE SMALL CLAIMS COURT OF  
Franklin \_\_\_\_\_ Township  
Hon. John A. Kitley  
4351 Independence Square  
Indianapolis, IN 46203  
Phone: 317-784-1751, Fax: 317-784-1871

Plaintiff (name, address, phone),

Cause No. 49- K09 - - SC- .

vs.

**NOTICE OF CLAIM for Possession of Real Estate**

Defendant (name, address, phone).

Select type of service requested:

- Personal by Constable
- Certified mail

On \_\_\_/\_\_\_/\_\_\_ the Plaintiff rented to the Defendant the premises located at (print address) \_\_\_\_\_  
\_\_\_\_\_ in Marion County, Indiana at a rent of \$\_\_\_\_\_ per week/month (circle)  
and that on \_\_\_/\_\_\_/\_\_\_ this tenancy expired because: \_\_\_\_\_  
Ever since \_\_\_/\_\_\_/\_\_\_, the Plaintiff has been entitled to the possession of this premises. That the Defendant  
unlawfully hold over and retains possession of these premises from the Plaintiff and owes damages in the  
amount of \$\_\_\_\_\_, WHEREFORE, Plaintiff demands judgment for the possession of the premises and for  
said damages, court cost(s) and other proper relief. **(Attach document(s) that support the above statements.)**

Date

Signature of Attorney or Pro Se Party

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 or hearing on the above claim and to make due return of this Notice of Claim for Possession of Real  
Estate. Set for Damage Hearing on \_\_\_\_\_ at \_\_\_\_\_ o'clock A.M.

Date

Judge

**CONSTABLE'S RETURN OF SERVICE OF NOTICE OF CLAIM FOR POSSESSION OF REAL ESTATE:**

I certify that on \_\_\_\_\_:

- I served this Notice of Claim by delivering a copy to the Defendant.
- I served this Notice of Claim by leaving a copy:
  - at the dwelling or usual place of abode of the Defendant; OR
  - with a person of suitable age and discretion residing therein, namely \_\_\_\_\_.
- AND
- by mailing a copy of this Notice of Claim to the Defendant, by First Class Mail, to the address  
listed on the Notice of Claim (date copy mailed if different from below: \_\_\_\_\_,  
20\_\_).
- Service remarks concerning dwelling or abode: \_\_\_\_\_.
- I was unable to serve this Notice of Claim because \_\_\_\_\_.

### Important Information Concerning this Claim

1. The nature of the Plaintiff's claim and demand is stated above.
2. Both the Plaintiff and the Defendant may represent themselves individually or seek the representation of an attorney. For more information about small claims, please see the Court office or go to <http://smallclaims.indy.gov>
3. Please bring all documents in your possession or any witnesses concerning this claim on your court date.
4. 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.
5. A default judgment may be entered against the Defendant if he/she fails to appear for the first hearing or the trial, and if the Plaintiff fails to appear, the case will be dismissed.
6. If a party cannot appear or cannot be prepared at the time and place set for the trial, he/she shall write the Court at the address listed on the Claim and request a continuance to set the trial for a future date.
7. The filing of a civil claim constitutes a waiver of trial by jury by Plaintiff. The Defendant waives a trial by jury unless he/she requests a jury trial within ten (10) calendar days of receipt of the Notice of Claim in accordance with LR49-TP38-303. 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 it cannot be withdrawn without the consent of the other party.
8. Claims between a landlord and tenant shall be filed in the township where the real estate is located.
9. The Defendant may request a change of venue in this matter within ten (10) days of service of the summons.