

STATE OF INDIANA

IN THE WAYNE SUPERIOR COURT NO. 3

COUNTY OF WAYNE

CAUSE NO. 89D03-_____

NOTICE OF SMALL CLAIM

Plaintiff 1 _____ vs.

Defendant 1 _____

Plaintiff 2 _____

Defendant 2 _____

Address _____

Address _____

City _____ State _____ Zip _____

City _____ State _____ Zip _____

Telephone _____

Telephone _____

Email Address _____

STATEMENT OF REPLEVIN CLAIM AND AFFIDAVIT FOR DELIVERY

You, the defendant(s), have been sued by the plaintiff(s) whose name(s) appear above. You must appear in Wayne Superior Court No. 3, Magistrate’s Courtroom, in person, or by your attorney, on _____ at _____. If you cannot appear at that date and time, you may file a written Motion for Continuance requesting a different court date, which may or may not be granted by the Court. If you fail to appear, the Court may enter a default judgment.

The plaintiff(s) claims that:

1. The plaintiff(s) is the owner of, or is lawfully entitled to possession of, the following described personal property: _____

_____.
2. The property described was wrongfully taken and/or is unlawfully detained by the defendant(s).
3. The property described above was NOT taken for a tax, assessment, or fine or seized under an execution or attachment against the property of the plaintiff(s), or, if the property was seized under an execution or attachment, the property was exempt by statute from seizure.
4. The estimated value of the property described above is \$ _____.
5. The property described above is believed to be detained in Wayne County, Indiana.

The plaintiff(s) demands judgment against you, the defendant(s), for transfer of the requested property OR the value of the property, \$ _____, plus attorney’s fees of \$ _____, and the court costs, post-judgment interest, post-judgment sheriff service fee, and other costs, if applicable, such as an e-filing fee, certified mail, private process server, out-of-state sheriff’s service, etc., for this action.

Signature of Plaintiff 1 Date

Signature of Plaintiff 2 Date

SEE IMPORTANT INFORMATION ON OTHER SIDE.

IMPORTANT INFORMATION CONCERNING THIS SMALL CLAIM

1. **The Small Claims Office** – The Wayne County Clerk’s, Small Claims Office (“Small Claims Office”) is located at Wayne County Courthouse, 301 East Main Street, second floor, Richmond, Indiana 47374 or by telephone at 765-973-9230. All pleadings (motions, requests, notices, etc.) are filed through the Small Claims Office. Sample forms are available on the Wayne County Clerk’s website (<http://www.co.wayne.in.us/clerk/>). The Clerk’s staff is not allowed to give legal advice.
2. **mycase.in.gov** – You may check the status of your case, including your hearing dates, at mycase.in.gov.
3. **Right to Jury Trial** – By filing this Notice of Small Claim, the plaintiff waives or gives up the right to a jury trial. The defendant’s right to a jury trial is waived or given up unless the defendant files a Request for Jury Trial that complies with Indiana Code § 33-29-2-7 within ten (10) days of the receipt of the Notice of Small Claim, pursuant to Ind. Small Claims Rule 4(C). The defendant must pay \$70.00 at the Small Claims Office within ten (10) days after the Request for Jury Trial has been granted, plus any additional money required by statute, or the defendant waives or gives up the right to jury trial.
4. **Representing Yourself** – Most plaintiffs and defendants may represent themselves in court or be represented by an attorney. A copy of the Indiana Small Claims Manual (“Manual”) is available at the Small Claims Office. The Manual, the Indiana Small Claims Rules, and a video, “Representing Yourself in Small Claims Court,” are also available at: <http://www.in.gov/judiciary/2710.htm>. Sole proprietors, partnerships, limited liability companies (LLC’s), and corporations may appear by a designated full-time employee, if the requested judgment amount does not exceed \$1,500.00 and a Resolution has been filed at the Small Claims Office.
5. **Notice by email** – You may receive all notices and orders from the Court by email, instead of by the U.S. Postal Service, by filing an Appearance by Self-Represented Person in a Civil Case. If you provide an email address, you will no longer receive paper copies of the notices and orders from the Court. You may file a petition for an order granting an exemption as to the email address.
6. **No Trial at First Hearing** – The Court usually does NOT conduct a contested trial at the first hearing. A bench trial date will usually be set during the first hearing, if the case is going to proceed to trial.
7. **Failure to Appear** – If the defendant fails to appear for any hearing or trial, the Court may enter a default judgment against the defendant pursuant to Ind. Small Claims Rule 10(B). If the plaintiff fails to appear for any hearing or trial, the case will be dismissed pursuant to Ind. Small Claims Rule 10(A).
8. **Motions for Continuance** – Either party may be granted no more than one (1) continuance pursuant to Ind. Small Claims Rule 9(A). The Court will decide if any Motion for Continuance will be granted.
9. **Plaintiff May Request a Dismissal** – The plaintiff(s) may file a Motion to Dismiss the case at any time.