

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

The plaintiff(s) have sued the defendant(s). **Each party, or the person designated to appear on behalf of a party, must appear in Wayne Superior Court No. 3, Magistrate’s Courtroom, First Floor, 301 East Main Street, Richmond, Indiana 47374, on _____ for the Initial Hearing.** The Court usually does NOT conduct a contested trial at the Initial Hearing. A bench trial date will usually be set during the Initial Hearing, if the case is going to proceed to trial. If a party cannot appear at that date and time, a written Motion for Continuance may be filed requesting a different court date, which may or may not be granted by the Court. If the defendant(s) fails to appear, the Court may enter a default judgment against the defendant(s). If the plaintiff(s) fails to appear, the Court may dismiss the claim. The Court’s staff may be reached at 765-973-9269.

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 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.

By filing this Notice of Small Claim, the plaintiff waives (gives up) the right to a jury trial. The defendant’s right to a jury trial is waived (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 Wayne County Clerk’s 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.

Before a Full-Time Designated Employee or Trustee may appear to represent the interests of a corporate entity, LLC, LLP, partnership, sole proprietorship, or trust in a small claims case, the Full-Time Designated Employee or Trustee must file a Certificate of Compliance and Affidavit in each case, as required by Indiana Small Claims Rule 8(c). The Court may sanction a Full-Time Designated Employee or Trustee, and the entity the Full-Time Designated Employee or Trustee represents, for failure to comply with the Indiana Small Claims Rules or local rules of court. Sanctions may include assessment of costs or reasonable attorney’s fees, the entry of a default judgment, the dismissal of a claim with or without prejudice, fines, and/or incarceration.

Signature of person(s) appearing for Plaintiff 1 Date

Signature of person(s) appearing for Plaintiff 2 Date

OTHER 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, unless the case is confidential.
3. **Small Claims Manual** – 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>.
4. **Notice by email** – When you provide an email address on this form or an Appearance, all notices and orders will be distributed by email, and you will no longer receive paper copies of the notices and orders from the Court. If you are the plaintiff, you may file a petition for an order granting an exemption as to the email address requirement, which may be granted by the Court.