

STATE OF INDIANA

IN THE WAYNE SUPERIOR COURT NO. 3

COUNTY OF WAYNE

CAUSE NO. 89D03-\_\_\_\_\_

**NOTICE OF SMALL CLAIM – POSSESSION/EVICTION**

**Plaintiff 1** \_\_\_\_\_ vs. **Defendant 1** \_\_\_\_\_

**Plaintiff 2** \_\_\_\_\_ **Defendant 2** \_\_\_\_\_

Address \_\_\_\_\_ Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_ Telephone \_\_\_\_\_

Email Address \_\_\_\_\_

The plaintiff(s) is the owner(s) of the property located at: \_\_\_\_\_

\_\_\_\_\_, now occupied by the defendant(s).

The plaintiff(s) seek possession of that property, and requests the defendant(s) eviction from that property.

**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.** 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

Possession Order 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 claims that the defendant(s)’s rent is past due in the sum of \$ \_\_\_\_\_ and/or

that the defendant(s) have violated the lease agreement, rental agreement, or other agreement as follows:

\_\_\_\_\_  
\_\_\_\_\_

- There is a lease or rental agreement attached, OR
- There was no written lease or rental agreement.
- This complaint does **NOT** involve a land contract.

- Plaintiff has served the defendant(s) with a 10-Day Notice to Quit (attach copy), OR
- a 10-Day Notice to Quit was not required, pursuant to I.C. 32-31-1-8.

The plaintiff(s) demands possession of the property, court costs, plus damages, attorney’s fees, 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., if applicable, to be determined at a Damages Hearing.

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.

I/we swear or affirm under the penalties of perjury, that what is contained in this document is true.

\_\_\_\_\_  
Signature of person appearing for Plaintiff 1      Date      Signature of person 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](http://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.