

SMALL CLAIM FILING PROCEDURE

(Clerk's office can NOT give legal advice)

Reference: A copy of Indiana Rules of Court, Small Claims Rule 2(d) is below for your review.

1. If you have never filed a small claim before, please take a moment to review the Small Claims Handbook prior to filing. If you have filed a small claim, please read below, the procedure may have changed.
2. Fill out the Notice of Claim form completely; including method of service (check Sheriff or Certified Mail). Remember, you must have a good address for the person you are suing in order for them to get service so that your case can proceed.
3. If you are serving the defendant (s) by certified mail, you will need 2 copies of the Notice of Claim

If you are serving the defendant(s) by Sheriff, you will need 4 copies of the Notice of Claim and 3 more copies for each additional defendant
3. Sign your name as plaintiff on the form.
4. Provide an email for you and the Respondent if you have one. If you provide an email you will not need to bring in a self-addressed envelope for that party
5. Advise someone in the office you have completed the forms so a hearing date can be inserted, the claim can be put into the computer, and a receipt generated for you.
6. You can pay the filing fee \$97.00 (includes 1st defendant + 10.00 service fee for each additional defendant) by cash or money order. We no longer accept personal checks
7. Initial Filing Sheriff fee of \$28.00
8. Post Judgment Sheriff Fee of \$28.00

PERSONS ENTERING THE COURTROOM ARE REQUIRED TO WEAR MASKS THAT COVER THEIR NOSE AND MOUTH. DISINFECTANCE WIPES WILL BE AVAILABLE AT COUNSEL TABLES. SOCIAL DISTANCING IS REQUIRED AND MARKINGS WILL ASSIST WITH THIS PROCESS.

Small Claim Rule 2(d)

Number of Claims and Attachments. All claims and attachments thereto shall be filed in such quantity that one copy may remain on file with the clerk, one copy may be delivered to the claimant, and one copy be served on each defendant.

ALL Filings after the Notice of Claim MUST have a self addressed stamped envelope for each person receiving a copy unless it will be served by sheriff or an email is provided
For example one for plaintiff, defendant, employer etc.

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Rule of Trial Procedure 5

Every document submitted must keep certain information confidential. Most notable for small claim purposes is the Social Security Number of an individual. Never include the entire number, only the last 4 digits.

IF YOU RECEIVE A JUDGMENT, YOU WILL NEED TO PROVIDE SELF ADDRESSED ENVELOPES STAMPED ENVELOPES TO THE CLERK SO ANY MONIES PAID CAN BE SENT TO YOU.

CHECKS ARE USUALLY CUT OUT ON THURSDAY OR FRIDAY.

OCCASIONALLY A WEEK COULD BE SKIPPED ACCORDING TO THE WORK LOAD IN THE OFFICE.(vacation, sick, etc.)

MONTGOMERY SUPERIOR COURT 2

Small Claim Division

Crawfordsville, IN 47933

CAUSE NO. _____

AGAINST

NAME _____

NAME _____

STREET ADDRESS _____

NAME _____

CITY, STATE, ZIP _____

STREET ADDRESS _____

PHONE _____

CITY, STATE, ZIP _____

EMAIL _____

PHONE _____ DEFENDANT(S)

EMAIL _____

SERVICE BY: CERTIFIED _____ SHERIFF _____

NOTICE OF CLAIM

TO THE DEFENDANT(S): You have been sued by the Plaintiff whose name appear above. The trial date for this lawsuit is on the _____ day of _____, at _____, _____ M.

A brief statement of the nature of the Plaintiff's claim against you is as follow:

Balance due on : Account (copy attached) _____; Promissory Note (copy attached) _____;
Back Rent & Eviction _____; Wages _____; Other _____;

The Plaintiff seeks judgment against the Defendant(s) \$ _____, plus interest

from _____, at the rate of _____%, and the cost of this action, in the amount

of _____.

Dated: _____

(Attorney for) Plaintiff(s)

You may appear in Court anytime before the trial and pay the claim and Court costs in full and dismiss the claim against you. If you fail to appear in Court on the date and at the time set for trial, the Plaintiff can receive a judgment for the amount claimed, plus Court costs.

If you have any counterclaim arising from the same transaction or occurrence which is the subject matter of the Plaintiff's claim you may file a statement of such claim with the Court, and send a copy to Plaintiff, at least seven (7) days prior to trial.

By filing this small claim, the Plaintiff has waived the right to a trial by jury. You have ten (10) days from receipt of this notice to file an affidavit requesting a jury trial and to pay the costs for transferring the case. You failure to do so, waives your right to trial be jury. You may represent yourself in this Court. You do not need to employ an attorney. You may, however, have an attorney represent if you wish. All corporations/partnerships/sole proprietorships must be represented by an attorney on all claims exceeding \$1,500.00 If you do not wish to dispute the claim, you may nonetheless appear for the purpose of allowing the Court to establish a method of payment. You should, however, first contact the Plaintiff or the Plaintiff's attorney and attempt to arrange payment.

If this lawsuit should require a trial before the Court, you will at the time of trial be required to appear with your witnesses and any documents required to prove your side of the case.

Manuals explaining small claims procedures are available at the office of the Clerk of Montgomery Superior Court 2.

If you cannot appear on the date and time indicated, contact the Court immediately upon receipt of this notice. You will be directed to submit any requests in writing to the Court.

Until further notice, the Court Orders that hearings occur via Zoom. Parties can access hearings at www.zoom.us/join. The meeting ID is 564 606 3002 and the password is 411084.