SMALL CLAIMS EJECTMENT INSTRUCTION SHEET
MARSHALL COUNTY, INDIANA
Effective January 1, 2025

YOU Are the PLAINTIFF / The Person You Are Suing Is the DEFENDANT

Maximum dollar limit per claim is Ten thousand dollars ($10,000.00).
Maximum judgment granted is claim amount plus court cost plus interest

Ejectment/Rent filings must be served to the Defendant by "SHERIFF"

FILING FEE: $125.00
****$10.00/EACH ADDITIONAL DEFENDANT****
****Payment must be cash, business check, money order or credit card****

Return the ORIGINAL Notice of Claim (2 pages) form and the Ejectment/Rent form (3 pages):

SMALL CLAIMS MANUAL:
https://www.in.gov/judiciary/2710.htm

TO VIEW YOUR DIGITAL FILE ONLINE, LOG IN TO: https://public.courts.in.gov/mycase

NOTE TO LANDLORD: PROVIDE LEASE AGREEMENT (IF ANY)

***NATURAL PERSON:** May represent him/herself or may be represented by counsel.

***SOLE PROPRIETORSHIPS and PARTNERSHIPS:** May represent him/herself.

***CORPORATE ENTITIES/LLC/LLP**: May represent him/herself.

If you are **NOT the owner, the **OWNER** must complete an **Appointment of Designee form.****

Any questions, Call the Small Claims desk (574) 935-8706

MARSHALL SUPERIOR COURT NO. 2
Small Claims Division
Marshall County Courthouse
211 West Madison Street, Suite 201
Plymouth, IN 46563 **Telephone (574) 935-8761**

NOTICE OF CLAIM

Cause No. 50D02-_____-EV-_____

Name_____

Address_____

City_____ IN Zip_____

Telephone No._____

PLAINTIFF

Name_____

Address_____

City_____ IN Zip_____

Telephone No._____

PLAINTIFF

VS

Name_____

Address_____

City_____ IN Zip_____

Telephone No._____

DEFENDANT

Name_____

Address_____

City_____ IN Zip_____

Telephone No._____

DEFENDANT

Service by: ☐ Certified Mail **OR** ☐ Sheriff

TO THE DEFENDANT:

You have been sued by the Plaintiff whose name appears above. **YOU ARE HEREBY NOTIFIED THAT** the initial hearing of this claim is set for the _____ day of _____, 20____, at **9:00 a.m**. If you fail to appear in the Marshall Superior Court No. 2, Marshall County Courthouse, 211 West Madison St., Suite 201, Plymouth, Indiana, 46563 at the date and time set for initial hearing, a default judgment may be entered against you. At the initial hearing the judge or a court representative will meet with the parties to finalize the issues of the case or formalize any agreements of the parties. If an agreement is not reached a trial date will be confirmed. If you intend to appear and contest this claim, notify the Small Claims Clerk of the Marshall Superior Court No. 2 at least seven (7) calendar days prior to the trial date. **IMPORTANT INSTRUCTIONS CONCERNING YOUR RIGHTS ARE CONTAINED ON PAGE TWO (2) OF THIS NOTICE**.

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

_____

_____

_____

Exhibits Attached: Account _____ Contract _____ Other: _____

The Plaintiff demands judgment against Defendant for:

$_____ + Court Costs in the sum of $_____for a total due of $_____ + interest as allowed by law.

_____

Signature of Plaintiff

IMPORTANT INFORMATION CONCERNING THIS CLAIM

1. You may appear in person and/or by an attorney; Small Claims Rule 2(B)(5). If you fail to appear at the scheduled hearings a default judgment may be entered against you.
2. If you do not dispute the claim you should appear at the initial hearing in order to establish a method by which the judgment will be paid. Small Claims Rule 2(B)(7).
3. You must appear at the initial hearing; a trial will not be held on that date: the hearing is scheduled to allow the parties to meet and attempt to informally resolve their dispute(s) or to schedule a future trial of their disputes. A representative of the Court will be available to assist the parties with the procedure(s) of the Court. You may contact the Court Bailiff regarding this claim in writing or by telephone at Marshall Superior Court No. 2, 211 West Madison Street, Suite 201, Plymouth, Indiana 46563, (574) 935-8761.
4. If the claim arises out of a written contract, a copy shall be attached to the notice of claim or counterclaim filed with the Court; if the claim is on account, an itemized statement shall be attached. Small Claims Rule 2(B)(4)(a)(b).
5. The Defendant must provide the Court and the Plaintiff with a written statement of any counterclaim arising out of the Plaintiff's claim at least seven (7) calendar days before the pretrial conference. The counterclaim must conform with the requirements of Small Claims Rule 2(B)(4).
6. If, for a good cause shown to the Court, the Defendant is unable to appear at the date and time designated for pretrial and desires a new initial hearing date, he/she must contact the Small Claims Clerk of this Court. The Small Claims Clerk may be contacted by telephone and notified that the Defendant intends to request a continuance. However, all requests for a continuance must be made in person or in writing and received by the Court at least seven (7) calendar days before the date set for the initial hearing. Except for extreme circumstances, the Court will grant only one (1) continuance to each party.
7. Plaintiffs and Defendants must bring to the trial all documents in their possession or control concerning this claim. At the trial, both parties must be prepared to present their case. The parties must have all evidence or witnesses at the trial. No continuances will be granted due to a party's failure to prepare for trial. Either party may request the Court to issue a subpoena for a witness who is reluctant to attend. There is a service of process fee established by law for each subpoena issued.
8. The initial hearing date is stated on the front of this document.
9. If the Defendant intends to appear and contest this claim, he/she must notify the Small Claims Clerk of this Court of that fact at least seven (7) calendar days prior to the pretrial date.
10. If a settlement of this claim is made out of court, the parties must submit the settlement in writing to the judge of this Court for his approval before the settlement can become a judgment against the Defendant, or a dismissal may be entered on the record.
11. The Defendant may request a jury trial of this claim. However, one must be requested in writing within ten (10) calendar days of receipt of this Notice of Claim or the right to a jury trial is waived. Upon payment of a transfer fee, the claim will then be transferred to the plenary docket and tried according to the formal rules of procedure and evidence.
12. Both the Defendant and the Plaintiff MUST advise the Court of any change in their address or telephone number which occurs after receipt of this Notice of Claim.

SERVICE INFORMATION

CERTIFIED MAIL:

Date Sent:_____

Date Served:_____

Date Returned:_____

Date Refused:_____

DEFENDANT'S RESPONSE

To Appear:_____

To Contest:_____

Date Court Notified:_____

SERVICE BY SHERIFF:

Come to hand _____, 20____

1. Served by delivering a true copy to the within named _____
2. Served by leaving a true copy at the last and usual place of residence of _____ _____ with a person of suitable age and discretion.
3. The within named _____ is not found in my bailiwick.

This the _____ day of _____, 20____

Sheriff_____
By:_____

EJECTMENT/RENT

Name_____

Address _____

City _____, IN _____

Telephone _____

Attorney _____

Plaintiff

MARSHALL SUPERIOR COURT NO. 2
Marshall County Courthouse
211 West Madison Street, Suite 201
Plymouth, Indiana 46563
Telephone (574) 935-8761

CAUSE NO. 50D02-_____ EV- _____

Name_____

Address _____

City _____, IN _____

Telephone _____

Attorney _____

Defendant

Name_____

Address _____

City _____, IN _____

Telephone _____

Attorney _____

Defendant

CLAIM

1. Defendant(s) rented real estate from Plaintiff(s) at the following address: _____
   _____
   _____

   which real estate is located in Marshall County, Indiana.
2. Defendant(s) was/were to pay, in advance the sum of _____on the ____ day of each month on

   (a) a month to month lease; or
   (b) pursuant to the attached lease, or
   (c) (here specify)

3. Defendant(s) has/have failed to comply with the terms and is/are in default in the sum of _____ as of the _____day of _____, 20_____ ,which rent is accumulating at the rate of _____ per day from the day of _____.

4. That Defendant(s) is/are unlawfully detaining possession of the premises from Plaintiff(s) who is/are entitled to possession.

   (If a written lease allows recovery of attorney fees, then include paragraph no. 5, otherwise strike through)

5. That pursuant to the attached lease, Plaintiff(s) is/are entitled to recover reasonable attorney fees which sum is _____.
6. That Plaintiff(s) has/have not been able to examine the condition of the premises because the Defendant(s) has/have been occupying the real estate. If upon removal, damage has been done, then Plaintiff(s) reserve(s) the right to file with this Court, and serve on Defendant(s) an additional request for damages to be heard at the final hearing.

Plaintiff(s) Demand(s)

1. Rent of _____ plus accruing rate of _____ per day
2. Possession
3. Attorney fees (if applicable)

_____
Signature of Plaintiff

Plaintiff makes the foregoing representation(s) under the pains and penalties for perjury.

AFFIDAVIT OF IMMEDIATE POSSESSION

Plaintiff _____ makes the following representation under the pains and penalties for perjury.

1. Defendant(s) is/are in default of the rent in the amount of _____, which sum is accruing.
2. Defendant(s) has/have unlawfully detained possession of the premises.
3. The estimated value of the property is _____.
4. The estimated rental value of the property is _____ per month

_____
Signature of Plaintiff

_____ Date

NOTICE OF HEARING TO SHOW CAUSE WHY PLAINTIFF(S) SHOULD NOT BE PUT INTO IMMEDIATE POSSESSION

1. You are hereby notified that the Plaintiff(s) has/have filed an Affidavit of Immediate Possession. You are hereby directed to appear for the purpose of controverting Plaintiff's(s') affidavit or to otherwise show cause why the property listed in said affidavit should not be taken from you and placed with the Plaintiff(s).

2. The hearing is set for the _____ day of _____, 20___ , at 9:00 A.M. in the Marshall Superior Court No. 2, Plymouth, Indiana 46563.

3. Please be informed that you may file affidavits in your behalf with the court, may appear and present testimony in your behalf at the time of the hearing, may file with the court a written undertaking to stay the delivery of the property in accordance with the provisions of I.C. 32-30-3-8 and if you fail to appear, Plaintiff(s) may be granted a judgment of possession in your absence.

4. You are further notified that at any time prior to final judgment, and within the time fixed within the Order of Possession, you may require the return thereof upon filling with the court a written undertaking executed by a surety to be approved by the court to the effect that you are bound in an amount as determined by the court sufficient to assure the payment of said sum as may in said cause be recovered against you for any wrongful detention of said property.

The service of this notice on Defendant(s) shall be made on or before the _____day of _____, 20 _____.

_____
Clerk, Marshall Superior Court No. 2

IMPORTANT INFORMATION YOU SHOULD KNOW CONCERNING THIS CLAIM

1. Either the Plaintiff or the Defendant may represent himself or be represented by an attorney.
2. If the claim arises out of a written contract, a copy shall be attached. If the claim is on account, an itemized statement shall be attached to the Notice of Claim.
3. The Defendant must provide the Court and the Plaintiff with a written statement of any counterclaim arising out of the Plaintiff's claim at least seven (7) calendar days before the trial.
4. If, for a good cause shown to the Court, the Defendant is unable to appear at the time and place designated for trial and desires a new trial date, he must contact the Small Claims Clerk of this Court. The Small Claims Clerk may be contacted by telephone and notified that the Defendant intends to request a continuance. However, all requests for a continuance must be made in person or in writing and received by the Court at least seven (7) calendar days before the date set for trial. Except for extreme circumstances, the Court will grant only one (1) continuance to each party. All correspondence regarding continuances should be directed to: Small Claims Clerk, Marshall Superior Court No.2, 211 West Madison Street, Suite 201, Plymouth, Indiana 46563 or by calling (574) 935-8761.
5. The Plaintiff should and the Defendant must bring to the trial all documents in their possession or control concerning this claim. At the trial, both parties must be prepared to present or defend the case with any evidence or witnesses which may help in explanation of the case. Either party may request the Court to issue a subpoena for a witness who is reluctant to attend. There is a service of process fee established by law for each subpoena issued.
6. The trial date is stated on the front of this document. If the Defendant fails to appear at the trial, a default judgment may be rendered against him.
7. If the Defendant intends to appear and contest this claim, he must notify the Small Claims Clerk of this Court of that fact at least seven (7) calendar days prior to the pretrial date.
8. If the Defendant does not wish to dispute this claim, he may appear in the Court at the time specified to establish the method by which the judgment is to be paid.
9. If a settlement of this claim is made out of court, the parties must submit the settlement in writing to the judge of this Court for his approval before the settlement can become a judgment against the Defendant, or a dismissal may be entered on the record.
10. The Defendant may request a jury trial of this claim. However, one must be requested in writing within ten (10) calendar days of receipt of this Notice of Claim or the right to a jury trial is waived. Upon payment of a transfer fee, the claim will then be transferred to the plenary docket and tried according to the formal rules of procedure and evidence.
11. Both the Defendant and the Plaintiff MUST advise the Court of any change in their address or telephone number which occurs after receipt of this Notice of Claim.

SERVICE INFORMATION

CERTIFIED MAIL:

Date Sent: _____
Date Served:_____
Date Returned:_____
Date Refused:_____

DEFENDANT'S RESPONSE

To Appear:_____
To Contest:_____
Date Court Notified:_____

SERVICE BY SHERIFF

Come to hand _____ 20_____

1. Served by delivering a true copy to the within named _____.
2. Served by leaving a true copy at the last and usual place of residence of _____ _____ With a person of suitable age and discretion.
3. The within named _____ is not found in my bailiwick.

This the _____ day of _____ 20_____
Sheriff _____
By: _____

STATE OF INDIANA MARSHALL COUNTY	SS:	IN THE MARSHALL SUPERIOR COURT NO. 2 CAUSE NO. 50D02-_____

_____
PLAINTIFF

v.

_____
DEFENDANT

APPEARANCE OF UNREPRESENTED PARTY
CIVIL

1. Party information (your information) for service of process as required by Indiana Trial Rules.

Name: _____
Full Legal Name

Address: _____
Street Address

_____
Apt., Lot, or Unit Number

_____
City *State* *Zip Code*

NOTE: IT IS YOUR DUTY AND OBLIGATION TO UPDATE YOUR ADDRESS WITH THE COURT.

Phone: _____
CELL PHONE PREFERRED, PLEASE. LAND-LINE IS ACCEPTABLE

*Email: _____
*REQUIRED FIELD

2. I acknowledge service of process from other parties and the Court by U.S.P.S. mailing or e-mail at the above noted e-mail address.

_____
Signature - Unrepresented Party

_____
Printed Name