

**NOTICE OF CLAIM  
(Small Claims Complaint)**

**ELKHART SUPERIOR COURT 6**

315 S. Second Street

Elkhart IN 46516

574-523-2372 [Courts - Elkhart County](#)

**CASE NO. 20D06-**\_\_\_\_\_ **SC**\_\_\_\_\_

Plaintiff requests service by:

- Sheriff of Elkhart/\_\_\_\_\_ County  
 Certified Mail

If an Attorney represents the Plaintiff:

Attorney \_\_\_\_\_

Attorney No. \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

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

Telephone \_\_\_\_\_

Email \_\_\_\_\_

**Plaintiff 1**

Name \_\_\_\_\_

Address \_\_\_\_\_

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

Telephone \_\_\_\_\_

Email \_\_\_\_\_

**Defendant 2**

Name \_\_\_\_\_

Address \_\_\_\_\_

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

Telephone \_\_\_\_\_

Email \_\_\_\_\_

**Plaintiff 2**

Name \_\_\_\_\_

Address \_\_\_\_\_

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

Telephone \_\_\_\_\_

Email \_\_\_\_\_

**Defendant 2**

Name \_\_\_\_\_

Address \_\_\_\_\_

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

Telephone \_\_\_\_\_

Email \_\_\_\_\_

**NOTICE OF CLAIM TO DEFENDANT AND SUMMONS**

The Plaintiff whose name appears above has sued you, the Defendant. You must appear in Elkhart Superior Court 6 in person or by your attorney on \_\_\_\_\_, 20\_\_ at \_\_\_\_:\_\_\_\_AM/PM for a first hearing. The Court may enter a default judgment against you, if you fail to appear. The Plaintiff's claim is for:

- Contract, Note or Account (copy attached)  
 Personal injury or property damage  
 Other

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

The Plaintiff demands judgment against you for \$ \_\_\_\_\_ plus interest from the date of the filing of this Claim at the rate of \_\_\_\_\_% and court costs of this action.

\_\_\_\_\_, 20 \_\_\_\_\_

Date

\_\_\_\_\_  
Plaintiff or Attorney signature  
(Attorney must sign, if an attorney represents Plaintiff)

(1) The Plaintiff or the Defendant may represent themselves individually or be represented by an attorney. A Small Claims Manual is available at the Clerk's office (or at the website [Small Claims - Elkhart County](#)). The Plaintiff and Defendant should bring to trial all witnesses, documents, exhibits and evidence in their possession or under their control concerning this claim. Many times, the Court will not conduct the trial or hear a contested case at the first scheduled hearing date unless time permits and both parties are prepared to proceed at that time.

(2) A default judgment may be entered against the Defendant if he or she fails to appear for the first scheduled hearing date or any subsequent trial date. If the Plaintiff fails to appear, the case will be dismissed.

(3) If the Defendant does not dispute the Plaintiff's claim, the Defendant may still appear to allow the Court to establish the method for paying the judgment.

(4) Any request for a continuance of a first scheduled hearing or any trial date by either party should be filed with the Court at least seven (7) days before the court date. Forms to request a continuance are available online or at the Clerk's or Court's office. The party requesting the continuance must notify the other party of the request. Any request for a continuance will not be considered unless in writing and served on the other party.

(5) The Defendant must file any counterclaim with the Clerk to allow enough time for the claim to be served on the Plaintiff at least seven (7) days before the first scheduled hearing. Forms to file a counterclaim are available at the Clerk's or Court's office or on the website.

(6) If a settlement of this claim is made out of Court, it should be in writing and signed by both parties. Forms to file an Agreed  Judgment are available at the Clerk's office or on the website.

(7) The filing of a Small Claim waives the Plaintiff's right to a trial by jury. The Defendant may make a demand for a trial by jury in writing no later than ten (10) days following service of this Notice of Claim, on accordance with I.C. 33-29-2-7. If a jury trial demand has been granted, it may not be withdrawn without agreement by all parties. All parties should then obtain attorneys. The Defendant must pay a \$70 fee at the Clerk's Office within ten (10) days after the jury trial demand has been granted, otherwise, the Defendant gives up the right to a jury trial.

(8) Any exhibits or documents you may offer at trial will be retained by the Court for at least 45 days and no more than 120 days after any hearing that result in a judgment. You may make arrangements to pick up your exhibits and documents any time 45 days after judgment has been entered. If an appeal is filed, these exhibits will remain permanently with the Court. You will receive no further notices regarding your evidence.

### SHERIFF'S RETURN OF SERVICE of NOTICE OF CLAIM

I certify that on the below date, I served this Notice of Claim by:

Delivering a copy to the Defendant; OR

By leaving a copy either:

posted prominently at the residence of the Defendant listed on the front of this Notice of Claim; OR

with a person of suitable age and discretion residing therein, name \_\_\_\_\_; OR

at the Defendant's place of work, employment or business listed on the front of this Notice of Claim

AND

By mailing a copy of this Notice to the Defendant (1st Class Mail) to the address listed on the front of this Notice of Claim (date mailed if different from below: \_\_\_\_\_, 20\_\_\_\_).

I was unable to serve this Notice of Claim because \_\_\_\_\_

\_\_\_\_\_, 20\_\_\_\_  
Date

\_\_\_\_\_  
Sheriff of Elkhart/ \_\_\_\_\_ County  
BY \_\_\_\_\_