

STATE OF INDIANA
COUNTY OF ELKHART

ELKHART SUPERIOR COURT NO. 5
CAUSE NO. 20D05 _____

Plaintiff/Owner name(s)* vs. Defendant name(s)

Mailing address (Street, City, and Zip) Address (Street, City, and Zip)

VERIFIED REQUEST FOR IMMEDIATE POSSESSION OF REAL PROPERTY

1. Plaintiff/Owner is entitled to possession of real property* known as: _____
**Plaintiff's name(s) must match name(s) of titled owner(s) on official county records or Plaintiff must specifically show Plaintiff's connection to titled owner(s), with appropriate ownership chain (or the claim is subject to dismissal).*
2. Defendant(s) presently has/have possession of this property, which possession is wrongful because:
 - a. Defendant(s) has/have not paid rent due _____, 20 _____, and last paid any rent on _____, 20 _____;
 - b. Defendant(s) has/have _____
_____;
 - c. Defendant(s) has/have not vacated the premises pursuant to written notice given on _____, 20 _____.
3. The estimated value of the property is \$ _____; the rental value is \$ _____ per _____.

I AFFIRM UNDER PENALTIES FOR PERJURY THAT THESE STATEMENTS ARE TRUE.

_____, 20 _____
Date Signature Capacity

NOTICE OF HEARING

TO: _____

At 8:15 a.m. on _____, 20 _____, or soon hereafter as possible, a hearing on this request for immediate possession of the property will be held in Elkhart Superior Court No. 5, County Courts Building, 315 South Second Street, Elkhart, IN 46516. You may appear and present testimony at this hearing, you may file affidavits opposing this request, or you may file a written undertaking to stay delivery of the property. If you fail to appear, the hearing will be held in your absence and a judgment of possession may be awarded to the plaintiff.

CLERK, ELKHART SUPERIOR COURT NO. 5

INSTRUCTIONS

Complete this form by typing or by legibly handwriting as follows:

1. CAPTION – Insert the cause number supplied by the Clerk, as well as names of Plaintiff/Owner(s) and Defendant(s). **[NOTE: Plaintiff's name(s) must match name(s) of titled owner(s) on official county records or Plaintiff must specifically show Plaintiff's connection to titled owner(s), with appropriate ownership chain (or the claim is subject to dismissal).]**
2. PARAGRAPH 1 – Insert the address or legal description of the property involved.
3. PARAGRAPH 2a – Insert the relevant dates.
4. PARAGRAPH 2b – Insert all reasons other than non-payment of rent which justify your request for immediate possession of the property.
5. PARAGRAPH 2C – Insert the date Plaintiff/Owner(s) delivered to Defendant(s) a written notice to vacate the property AND attach a copy of this notice to your request.
6. PARAGRAPH 3 – Insert the fair market value and the fair rental value of the property.
7. Date and sign the request and indicate your legal capacity, e.g., owner, authorized representative, attorney, etc.
8. At "TO", insert name(s) and address(es) of person(s) or entity now in possession of the property.
9. Insert the date of hearing supplied by the Clerk.
10. Submit two (2) copies of the completed form.