

Instructions for Filing Small Claims

1. Although it is not required that you have an attorney, unless you are a corporation, you may hire an attorney to represent you if you wish.
2. You must file the claim in the county where the transaction or occurrence took place, where the obligation was incurred or where it is to be performed or where the defendant resides or has his/her place of employment.
3. The defendant may be ordered to repay court costs to you if you win, but not if you lose.
4. The claim must be filed with the County Clerk at the Warren County Court House, Williamsport, 8am to 4pm, Monday through Friday.
5. You must know the correct name, address and telephone number of the defendant. Be sure you are suing the person responsible.
6. You cannot request more than six thousand dollars (\$6,000.00). If you are entitled to more than six thousand dollars (\$6,000.00) you must give up your right to the amount over the maximum if you wish to have your claim heard in the Small Claims Division of the Circuit Court.
7. If you are suing on an account or contract, you must give the Clerk one copy for the court records and also one copy for each defendant. Keep the original for yourself. If you do not have a copy of the contract it will not prevent you from filing a claim.
8. State your claim clearly and briefly. You will have an opportunity to explain your claim more fully in court.
9. Claim only those precise money damages that you believe you can prove in court.
10. If, after you have filed your claim but before trial, you and the defendant agree to settle the claim, the settlement should be in writing and signed by both you and the defendant. The settlement agreement must be filed with and approved by the court or the court will be unable to enforce it for you.
11. If the defendant requests and is granted a jury trial, all formal rules will apply at the trial. It would be advisable for you to contact an attorney.
12. The defendant may believe he/she has a claim against you and may file a counterclaim with the court. Both his/her claim and yours will be decided at the same trial only if the counterclaim does not exceed six thousand dollars (\$6,000.00). You will be notified of the counterclaim at least seven (7) day before trial, you may request a continuance.
13. The date, time and place for trial will be as set forth in the notice of claim filed by you and in the event of any continuance you will be notified of the date and place for trial. Be sure to arrive on time, if you are not there when your case is called it will be dismissed.
14. If you are unable to attend the trial on the date set, you may ask the court for a continuance. You are entitled to only one continuance so use it only if you have a good reason and it is absolutely necessary.
15. Be prepared to prove your case with any evidence you have and bring all your evidence and witnesses with you when you come to court. Subpoenas can be issued by the Clerk for reluctant witnesses.
16. At the trial simply tell your side of the story. There are no technical or formal rules to follow. The Judge may ask questions of you or the defendant.
17. You will be notified of the Judge's ruling in your case either immediately after your trial or within ninety (90) days after the trial.
18. The decision of the Court may be appealed to the Indiana Court of Appeals. You will be unable to appeal unless you notify an attorney in time for him to take action within thirty (30) days after the judgment is entered. For this reason, if you wish to appeal, an attorney should be contacted no later than seven (7) days after judgment.
19. If you have questions about the procedure for filing you claim or any other matter relating to you case, ask the Clerk for assistance. If you need legal advice you must consult an attorney as neither the Judge nor the Clerk can help you in that aspect.
20. Corporations which file suits must be represented by a lawyer unless below the dollar limit.
21. Advise the Court of any changes in your address or phone number which occurs after you file the claim and before it is disposed of.
22. In the event that you recover judgment upon a small claim filed, then upon payment of judgment in full you are required to file a statement of collection with the Court Clerk and in the event you do not file the same you may not file further claims under the Small Claims Rules until you have complied with Small Claims Rule (11) (E).

SMALL CLAIM

\$96.00 to file (\$25.00 Sheriff Service = \$121.00) (\$10.00 per extra Def.)

*RULE 12. VENUE

(A) PROPER VENUE.

(1) PROPER VENUE FOR A CASE FILED IN THE SMALL CLAIMS DOCKET OF A CIRCUIT OR SUPERIOR COURT SHALL BE IN THE COUNTY WHERE THE TRANSACTION OR OCCURRENCE TOOK PLACE, WHERE THE OBLIGATION WAS INCURRED OR IS TO BE PERFORMED, OR WHERE A DEFENDANT RESIDES OR IS EMPLOYED AT THE TIME THE COMPLAINT IS FILED.

(2) EXCEPT AS PROVIDED IN (3) BELOW, PROPER VENUE FOR A CASE FILED IN A SMALL CLAIMS COURT CREATED PURSUANT TO IC 33-34-1-2 SHALL BE IN THE TOWNSHIP WHERE THE TRANSACTION OR OCCURRENCE TOOK PLACE, WHERE THE OBLIGATION WAS INCURRED OR IS TO BE PERFORMED, OR WHERE A DEFENDANT RESIDES OR IS EMPLOYED AT THE TIME THE COMPLAINT IS FILED.

(3) PROPER VENUE OF ANY CLAIM BETWEEN LANDLORD AND TENANT, INCLUDING BUT NOT LIMITED TO A CLAIM FOR RENT, POSSESSION OF REAL ESTATE, RETURN OF PROPERTY, RETURN OF SECURITY DEPOSIT OR FOR DAMAGES, FILED IN A SMALL CLAIMS COURT CREATED PURSUANT TO SHALL BE IN THE TOWNSHIP WHERE THE REAL ESTATE IS LOCATED, UNLESS THERE IS NO SMALL CLAIMS COURT IN THAT TOWNSHIP.

*MUST LIVE IN INDIANA FOR 6 MONTHS AND WARREN COUNTY FOR 3 MONTHS

***DEADLINES FOR FILING A SUITE**

2 YEARS : PERSONAL INJURY

: DAMAGE TO PERSONAL PROPERTY

6 YEARS : ACCOUNTS

: CONTRACTS (NOT IN WRITING)

: RENTS/ USE OF REAL ESTATE

: RECOVERY OF PERSONAL PROPERTY

: PROMISSORY NOTE/CONTRACTS FOR PAYMNET OF MONEY

*** IF CASE IS BASED ON CONTRACT THE CONTRACT MUST BE PROVIDED**

***IF CASE IS BASED OVER AN ACCOUNT AN AFFIDAVIT OF DEBT MUST BE PROVIDED**