

**IN THE DEKALB SUPERIOR COURT II
SMALL CLAIMS DIVISION**

P.O. Box 230
Auburn, Indiana 46706
Telephone: (260) 925-1315

Cause No. _____

AGAINST

Plaintiff name

Defendant name

Street Address

Defendant name

City, State, Zip

Street Address

Phone

Plaintiff

City, State, Zip

Email address

Email address

PLAINTIFF requests service by: Sheriff _____

Phone

Defendant(s)

NOTICE OF CLAIM FOR EVICTION

TO THE DEFENDANT(S): You have been sued by the Plaintiff whose name appears 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 follows:

Balance due on: Back Rent & Eviction _____

The Plaintiff seeks judgment against the Defendant(s) for \$ _____ and Court costs of \$ _____,

For a total of \$ _____.

Plaintiff

You may pay the claim and Court costs in full any time before the Trial. Payment may be made by cash, money order, cashier's check, debit card or credit card. NO PERSONAL CHECKS.

If you fail to appear in Court on the date and time set for Trial, the Plaintiff can receive a judgment, 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 the Plaintiff at least seven (7) business days prior to the Trial. If you fail to timely notify the Court and Plaintiff, the Plaintiff may be granted a continuance on the Trial date.

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. Your failure to do so, waives your right to trial by jury.

You may represent yourself in this Court. You do not need to hire an attorney. You may, however, have an attorney represent you if you wish.

An attorney must represent all corporations for 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 Plaintiff's attorney and attempt to arrange payment.

If this law suit should require a trial before a 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.

Cause No. _____

SHERIFF'S RETURN OF SERVICE

I hereby certify that I have served the Notice of Claim:

1. By delivering on the _____ day of _____, 20____, a copy of the Notice of Claim to the Defendant(s)_____.

2. By leaving on the _____ day of _____, 20____, for each of the Defendant(s)_____.

a copy of the Notice of Claim at _____
being the respective dwelling hours or usual place of abode of the Defendant(s), with _____ a person of suitable age and discretion residing whose usual duties or activities include prompt communication of such information to the person served

AND

By mailing a copy of the Notice of Claim to the Defendant(s) at _____
_____, the last known address of the defendant(s).

3. _____.

Sheriff of DeKalb County, Indiana

SHERIFF'S RETURN OF NON-SERVICE

I HEREBY CERTIFY THAT SERVICE OF THE notice of claim was not made because:

(1) The Defendant(s) _____
was/were not found in person in my bailiwick.

(2) The Defendant(s) _____
does/do not have a dwelling house or usual place of abode with some person of suitable age and discretion residing therein with whom a copy of the Notice of claim could be left, in my bailiwick.

(3) _____.

Sheriff of DeKalb County, Indiana

SERVICE ACKNOWLEDGED BY DEFENDANT(S)

A copy of this Notice of Claim was received by me this _____ day of _____, 20_____.

Signature of Defendant(s)

STATE OF INDIANA) IN THE _____ COURT
) SS:
COUNTY OF _____)
CASE NUMBER: _____

vs.

PROPERTY STATUS CERTIFICATION AFFIDAVIT

(Address)

- a. I have reviewed the CARES Act on evictions for non-payment of rent from federally-subsidized housing and federally-backed mortgages.
- b. I am not filing this claim prior to the expiration of the 30-day notice sent to the tenant.
- c. I have received funds under the Act and sent a 30-day notice to vacate that is attached to this Notice of Claim for Possession of Real Estate.

a. The property associated with Notice of Claim for Possession of Real Estate is a not a federally-subsidized apartment, and is not supported by HUD, USDA or the Treasury (Low Income Housing Tax Credit). Further, if the home is a single-family dwelling, I verify that the property is not backed by a federally financed mortgage through FHA, Fannie Mae, and Freddie Mac mortgage.

Landlord/Attorney for Landlord

7/29/2020

Pre-Eviction Diversion Program Advisement

1. Emergency rental assistance is available to assist with nonpayment of rent and participation in the rental assistance program can be helpful to both landlords and tenants.
2. The emergency rental assistance program for this area is IndianaHousingNow.org.
3. There are certain eligibility requirements, including that the tenant's household income is at or below 80% Area Median Income or household income meets the HUD definition of a low-income household. The IndianaHousingNow.org will determine eligibility for assistance. To make this determination, both landlords and tenants need to complete portions of the program application.
4. If you are eligible for emergency rental assistance, the funds can help the landlord receive past due rent, future rent, or reduce your outstanding balance owed, and may resolve your dispute with your landlord. Utility assistance may be available in some programs.
5. If you are not eligible, there may be other community resources for rental assistance that can help both parties and possibly resolve this dispute.
6. Active participation in the Pre-Eviction Diversion Program will result in this case being marked confidential. When a case is marked confidential, it is no longer available on mycase.in.gov. The case may remain confidential during and after the program as long as there are no defaults by the tenant.
7. If you both agree to work together to seek rental assistance, then this case can be rescheduled to allow you to complete the application process and receive a determination of eligibility. The case management order will have your court dates listed and having your cell phone number in the court file can allow for text message reminders of these dates.
8. There is free settlement conference program offered by the state that can assist in discussing possible resolutions to this case. If you both agree to participate in this service, then this case can be rescheduled to allow participation in the conference. The case management order will have your court dates listed and having your cell phone number in the court file can allow for text message reminders of these dates.
9. If you are not represented by an attorney and would like legal assistance, please contact one of the following resources for help: Volunteer Lawyer Program Northeast Indiana, (260) 407-0917 or Indiana Legal Services, 1-888-442-8600.