

NOTICE OF CLAIM FOR EVICTION

Monroe County Circuit Court
301 North College Avenue
Bloomington, IN 47404
(812) 349-2600 (Clerk's Office)

Case No 53C _____

PLAINTIFF(S)

DEFENDANT(S)

(NAME, ADDRESS, PHONE, EMAIL)

(NAME, ADDRESS, PHONE, EMAIL)

STATEMENT OF CLAIM

Plaintiff is claiming \$ _____ + Attorney Fees (if applicable) of \$ _____ + Court Costs. Plaintiff alleges:

- Tenant(s) overstayed their lease and I request eviction.
- Tenant(s) failed to pay rent and I request eviction.
- Tenant(s) otherwise breached the lease and I request eviction.
- Landlord(s) have failed to return a security deposit.
- Landlord(s) have failed to provide a safe, clean, and habitable unit.
- Landlord(s) have unlawfully removed tenant personal property.
- Landlord(s) have unlawfully changed locks or interrupted utilities.
- Other (Describe below).
- Other (Describe below).

- Unit is in Monroe County (not City of Bloomington)
- Unit is in the City of Bloomington
- Unit is subject to the following subsidized program : _____

Description:

Plaintiff Signature /s/ _____

Attorney Signature /s/ _____
Attorney Number _____

NOTICE OF INITIAL HEARING BY ZOOM

An Initial Hearing, to determine whether this claim is contested, will be heard on the _____ at _____

If you ARE represented by an attorney, you and your attorney should join fifteen (15) minutes after the start time.

The Initial Hearing will be by Zoom, as per the attached Order. The Court finds that due to multiple initial hearings being held each session; due to the transportation issues involved in both plaintiffs and defendants having to miss work for attendance at a short initial hearing; due to the presence of available *pro bono* attorneys, volunteer mediators; due to the availability of private break-out rooms on Zoom; and due to the technology available to the Monroe Circuit Court, that Zoom is appropriate for Initial Eviction & Damages Hearings.

PLAINTIFF'S NOTICE OF REPRESENTATION

Plaintiff is a:

- Natural Person. Plaintiff may appear personally or with an attorney.
- Sole Proprietorship or Partnership
 - Claim is less than \$6,000.00 (or any amount over \$6,000.00 is waived) and Plaintiff will be represented in Court by a full-time employee, owner, or attorney for the business. If an employee, Plaintiff must file a Full-Time Employee Designation in every case, see Indiana Small Claim Rule 8(C)(5).
 - Claim greater than \$6,000.00 and Plaintiff will be represented in Court by the owner or attorney for the business.
- Corporate Entity (e.g., Inc., LLC, LLP, Trust)
 - Claim is less than \$6,000.00 (or any amount over \$6,000.00 is waived) and Plaintiff will be represented in Court by a full-time employee, owner, or attorney for the business. If an employee, Plaintiff must file a Full-Time Employee Designation in every case, see Indiana Small Claim Rule 8(C)(5).
 - Claim greater than \$6,000.00 and Plaintiff will be represented in Court by the attorney for the business.

**GUARANTEED FUNDS ONLY
NO PERSONAL CHECKS WILL BE ACCEPTED**

Date

Clerk, Monroe Circuit Court

INSTRUCTIONS TO PLAINTIFF

- **Small Claims Jurisdictional Limit.** Indiana limits Small Claims to cases where the amount sought is not more than \$10,000, cases of possession of a rental property where the amount of rent due at time of filing is \$10,000 or less, or cases with an emergency request for possession of a rental property. By filing in Small Claims court, you are waiving any amount over the limit.
 - **Unable to Appear.** If you are unable to appear, file a *Motion to Continue* and serve on all parties at least three days prior to the Initial Hearing. The Judge will consider your Motion and may move your hearing to another date.
 - **Failure to Appear.** If you do not appear at the Initial Hearing, the Court will Dismiss your case. See Indiana Small Claims Rule 10.
 - **Exhibits or Witnesses.** Unless you are set for an Emergency Hearing, you will not need exhibits or witnesses at the Initial Hearing. If you are set for an Emergency, you WILL need any exhibits and witnesses to discuss the alleged emergency.
 - **Appearance.** You may appear either yourself or by an attorney of your choosing, depending on whether the Plaintiff is a person or a business (See Indiana Small Claims Rule 8(C) and *Plaintiff's Notice of Representation*, above).
 - **Service.** You are responsible for providing a copy of (serving) this *Notice of Claim* to the Defendant and that the person serving the Defendant files a *Return of Service* with the Court to show service of process. See Indiana Small Claims Rule 3.
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INSTRUCTIONS TO DEFENDANT

- **Unable to Appear.** If you are unable to appear, file a *Motion to Continue* and serve on all parties at least three days prior to the Initial Hearing. The Judge will consider your Motion and may move your hearing to another date.
 - **Failure to Appear.** If you fail to appear at the Initial Hearing, the Plaintiff may win the case by Default. Whether you believe this claim to be true or untrue, you should appear in Court to protect your interests both in the amount owing and in whether you have the ability to make payments.
 - **Uncontested Claims.** If you do not wish to dispute the claim, you may still wish to come to court to establish how the judgment shall be paid.
 - **Exhibits or Witnesses.** Unless you are set for an Emergency Hearing, you will not need exhibits or witnesses at the Initial Hearing. If you are set for an Emergency, you WILL need any exhibits and witnesses to discuss the alleged emergency.
 - **Appearance.** You may appear either yourself or by an attorney of your choosing (If the Defendant is a business or other entity, see Indiana Small Claims Rule 8(C) and *Plaintiff's Notice of Representation*, above).
 - **Counterclaim.** If you have a claim against the Plaintiff, which arises from the same circumstances as Plaintiff's claim against you, you should file your own *Notice of Claim* immediately. Failure to file your *Notice of Claim* and have it served upon Plaintiff at least seven (7) days prior to the Initial Hearing may result in you losing your counterclaim.
 - **Right to a Jury.** You have the right to a jury trial and such right is waived unless you request a jury trial within ten (10) days after receipt of the notice of claim; that once a jury trial request has been granted, it may not be withdrawn without the consent of the other parties; and within ten (10) days after the jury trial request has been granted, the party requesting a jury trial shall pay the clerk the additional amount required by statute to transfer the claim to the plenary docket, otherwise, the party requesting a jury trial shall be deemed to have waived the request.
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INSTRUCTIONS TO BOTH PARTIES

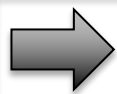
- **Change of Judge.** If you wish to file for a change of judge, you must file that request within ten (10) days of service upon the Defendant.
- **Indiana Small Claims Rules.** The *Indiana Small Claims Rules* are available online at <https://www.in.gov/judiciary/files/small-claims-manual.pdf>. The *Indiana Small Claims Manual* is available in Office of the Clerk, Room 201 of the Justice Building at 301 N. College Ave, Bloomington, IN 47404.
- **Monroe County Small Claims Rules.** Monroe County's local rules are available online at www.co.monroe.in.us.
- **Contested Hearing.** If this matter cannot be resolved at the Initial Hearing, the Court will schedule an In Person Contested Bench Trial where the Court has more time to hear this case and the parties may bring in their exhibits and witnesses.



Monroe Circuit Court
301 North College Avenue
Bloomington, Indiana 47404-3865
(812) 349-2615

Dear Tenant,

Your landlord has filed an eviction case against you. We are sharing information that we hope will help you understand the Court's process regarding evictions so you can be in the best position to present your case. You may wish to review the ***Renting in Indiana Handbook*** or the ***Knowing Your Rights as an Indiana Renter*** video series found here <https://indianalegalhelp.org/legal-topics/15/legal-issues/23>.



If you have applied for and are awaiting **IERA - Indiana Emergency Rental Assistance** it is important that you inform your landlord of the payment status. Information about the program, how to apply or recertify, or to check on your application status is found here: www.indianahousingnow.org or by calling 2-1-1. The Indiana Judicial Branch is offering a free Landlord Tenant Settlement Conference program which requires participation from both parties. Information on how to apply or to check on your application status is found here <https://www.in.gov/courts/housing/fast/> or by calling 2-1-1. Local mediation services information is below.

REACHING AGREEMENT BEFORE YOUR COURT DATE

Even though an eviction case has been filed, you may be able to work out an agreement by contacting your landlord or your landlord's attorney, if they have one. Contact information for them is found here: <https://public.courts.in.gov/mycase> If you would like to mediate, Community Justice and Mediation Center (CJAM) offers free services to you and your landlord. Mediation is a neutral, voluntary, and confidential process that can help you come to an agreement with your landlord instead of being evicted. Contact CJAM's Landlord Tenant Coordinator at l-tmediation@ciamcenter.org or call (812) 671-8309 to learn more.

ON YOUR COURT DATE

Make sure to attend your court hearing. Free legal advice, mediation, and social services referrals will be available at initial eviction and damages hearings, through the Eviction Prevention Project (EPP). These grant-funded services are provided during Court on Wednesdays from 8:45 a.m. to 11:00 a.m. and Thursdays from 12:45 p.m. to 3:00 p.m., when most initial eviction and damages hearings are scheduled. Legal services are available in-person at the Court's address; all other services are available remotely by Zoom. It is recommended that you appear at least 15 minutes before your scheduled hearing to request legal assistance. You can receive same day services, but time is limited during Court sessions so you may have a better outcome if you seek assistance earlier. Contact the EPP Intake Line (812) 340-8189 call/text or by email at evictionavoidance@gmail.com.

If you do not have an attorney, you should consult with one before your hearing. If you have a defense or counterclaim, the attorney may provide you with advice on how to present your information or possibly represent you that day at your hearing. **NOTE:** these services are not generally available during emergency hearings.

FINDING LEGAL AND FINANCIAL RESOURCES

We are fortunate to have many resources available in Monroe County. These include Township Trustee Offices and many social service agencies that provide short-term emergency assistance for rent, utilities, food, and temporary housing.

There are also organizations that focus on helping tenants find free or low-cost legal assistance. Obtaining legal advice may help you remain in your home and/or reduce the amount of money that you might owe. It is also possible that you could have a legal defense or counterclaim. Many legal resources can be found online at Indiana Legal Help <https://indianalegalhelp.org/>. If you do not have internet access, a Kiosk is located at the Monroe County Public Library Downtown Kirkwood branch, 2nd floor and at the Monroe County Justice Building outside Courtroom 212.

Please review the information in this packet and contact the agencies that may be able to help you. Do not wait until the day of your hearing to seek legal advice, contact your Township Trustee or seek assistance from social service agencies, as that might be too late to get help and it is unlikely your hearing can be delayed.

Wishing you the best,



Emily A. Salzmann
Judge, Monroe Circuit Court VIII



Catherine Stafford
Judge, Monroe Circuit Court IV

Tips for Small Claims Eviction Court

HOW DO I COMMUNICATE WITH THE COURT?

1. If you are providing information to the Judge about your case, the opposing party (other side) must also receive a copy of whatever you provide. Any information you wish the Judge to consider must be in writing and filed with the Monroe County Clerk's office located at 301 N College Avenue, Bloomington, IN 47404 (812) 349-2614
<https://www.co.monroe.in.us/departments/index.php?structureid=18>.
2. All documents to be filed must include the case title (plaintiff vs. defendant) and the case number (starts with '53CO'). This information should be on your Notice of Claim. You must send a copy of all the documents you are filing to the opposing party. You can send these documents in several different ways described in Small Claims Rule 3(A)-which can be found at https://www.in.gov/courts/rules/small_claims/index.html#_Toc60038869.
3. Please note on your document that you have sent a copy to the opposing party (or his/her attorney), and make sure to include the name of the person that you sent the documents to with their address and the date you sent it.

HOW DO I UPDATE MY CONTACT INFORMATION WITH THE COURT?

4. File an Amended Appearance – this form can be found at <https://indianalegalhelp.org/resources/1862>. The 'Appearance' is how you tell the Court how to contact you. It's a simple document where you can update the Court with your new mailing address, telephone number, or email address at any point throughout the proceedings. This should be filed with the Monroe Co. Clerk's office or provided to the Judge during your hearing.
5. If you move but don't notify the Court of your updated address, you might not get information about a scheduled hearing and your case could be decided without you.
6. You may decide whether you prefer to receive documents from the Court by physical mail or by email. If you prefer to change how you receive documents from the Court, please file an Amended Appearance with your selection marked.

WHAT IF I DON'T APPEAR FOR MY EVICTION HEARING?

7. The date and time of your the Eviction Hearing will be on the Notice of Claim form. Make sure to schedule appropriately and plan to attend.
8. If you do not show up for your hearing, a default judgment will likely be entered against you. A default judgment means that the Court makes a decision based only on the evidence provided by the Landlord since the Tenant is not there to dispute or present their own evidence. You could be ordered to move out and may not receive notice of when your Damages Hearing (see #17, below) will take place.
9. If the landlord does not show up for the hearing, the case will be dismissed, however the landlord could request a new hearing date from the Court.

WHAT HAPPENS DURING MY EVICTION HEARING?

10. If both parties show up for the hearing, then they will have the opportunity to use the legal and mediation services described above. As previously noted, it is recommended to appear 15 minutes before your hearing to request legal assistance.
11. If an agreement is reached by the Parties then the Court can approve that agreement at the hearing.
12. If an agreement is not reached by the Parties then the Court will likely schedule a new date/time for a contested Eviction Hearing where both Parties are able to present their information to the Judge.

DO I NEED A LAWYER?

13. You may represent yourself, although you may have a lawyer represent you at any stage of the proceedings if you want to. Please be aware that attorneys through EPP are only available during initial hearings due to staffing capacity and limited grant funding.
14. If you want to be represented, only a lawyer can do that, with one exception: a business or association may be represented by a full-time employee, but only if the claim is not for more than \$6,000 and if the employee has a certificate of representation (Corporate Resolution) on file with the Monroe Co. Clerk's office. As of Jan 1, 2022, this is required to be filed in each case.
15. If you need legal advice, seek it from a lawyer. Neither the Clerk nor the Judge or their staff can offer legal advice. A directory of attorneys in Monroe Co. can be found here <https://monroecountybar.org/directory/>.
16. You can find the rules for Indiana Rules of Court Small Claims at https://www.in.gov/courts/rules/small_claims/ the Indiana Small Claims Manual at <https://www.in.gov/courts/files/small-claims-manual.pdf> and Monroe Co. Small Claims Local Rules with updates effective October 10, 2022 at https://www.co.monroe.in.us/egov/documents/1611330265_84165.pdf

WHAT HAPPENS AFTER MY EVICTION HEARING?

17. Typically, a second hearing, called a Damages Hearing, is scheduled by the Court about 60-90 days after the Eviction Hearing and move-out date to determine the amount of any back rent and fees that may be owed to the landlord and to also discuss the cost of any damages to the unit and return of security deposit if applicable. *It is recommended to have an inspection with your landlord when you move out, if possible.* Once the final damages amount is determined, it may be entered as a judgment.
18. It is possible that in addition to the damages judgment, you could be held responsible for payment of court costs, interest, and/or any attorney fees that may be due. You should review your lease to see what information is listed regarding these possible costs.
19. The damages hearing is your chance for you to disagree with any of the landlord's charges to you related to the eviction, such as past due rent, late fees and attorney fees, repairs or cleaning to the property, and any other costs for which your landlord is requesting. It is also your chance to talk about how your security deposit may be applied or returned to you. If you do not attend the damages





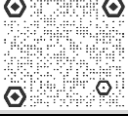





hearing, you lose your chance to contest any costs you may disagree with, and the Court might enter an order for the full amount your landlord is requesting.

It is possible that because of damages, cleaning, replacement costs or other charges discovered in the landlord's moveout inspection that you could be charged an amount that is more than what your landlord originally requested in their Notice of Claim. You may be able to decrease the amount you're your landlord will be owed if you attend the damages hearing and present any evidence you believe is in your favor.




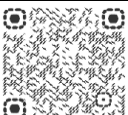

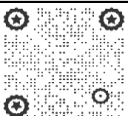



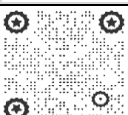
20. The decision of the Court may be appealed to the Indiana Court of Appeals. The appeal must conform to the strict regulations of the Indiana rules of trial and appellate procedure.

<https://www.in.gov/courts/rules/appellate/>

Civil Legal Resources

Area of Law	QR Code	Agency	Description	How to Apply	Location
General		Indiana Legal Help	Indiana's best introduction to finding free or low cost legal help and do-it-yourself forms for areas of law including housing, family, and other civil areas.	Online only	Online Only
General		Indiana Legal Services	Free Legal Services for Qualifying Low Income People.	Call (844) 243-8570 between 10am and 2pm Monday through Friday and online at indianalegalservices.org/applyonline	Bloomington (No Walk-ins)
General		District 10 Pro Bono Project	Matching Low Income People with Volunteer Attorneys.	Please call (812) 339-3610 Tues from 5 to 7pm and Thurs from 11am to 1pm.	Bloomington (No Walk-ins)
General		Indiana Free Legal Answers	Income eligible clients may post a question about your civil legal problem and have it answered for free by an attorney.	Apply online	Online Only
General		IU Student Legal Services	Free Legal Services limited to IU Students.	Apply online	IU Bloomington Campus
Family		Counsel in the Court: Family Law	Limited Legal Assistance with forms and questions (the attorneys cannot represent you in court).	Walk-ins on 2nd and 4th Fridays 12:30 pm to 3pm; OR Call (812) 269-6463, M-F 9am to 4pm	Justice Building 301 N College Avenue Bloomington, IN 47404
Family		Middle Way House Legal Advocates (MWH)	Legal Advocates (non attorneys) assist survivors of sexual violence, domestic violence, and human trafficking.	Call (812) 336-0846 to speak with a legal advocate M - F 8am - 6 pm.	Telephone Only
Family		Indiana Coalition Against Domestic Violence	Legal Representation to victims of domestic violence, sexual assault, and stalking	Call (812) 336-0846 to speak with a legal advocate M-F 8am - 6pm.	Telephone Only
Family		Parenting Time Helpline	Talk to attorneys regarding establishing parenting time or enforcing a parenting time order.	Call (844) 836-0003 M - F 11am to 6pm or email pthelpline@dcs.IN.gov	Telephone and Email Only
Family		Child Support Division, Prosecutor	Legal Assistance to establish Paternity and/or Child Support.	Walk-in M-F 8am to 4pm; OR Download application from the website	Monroe Prosecutor's Office 214 W 7th St, Suite 110 Bloomington, IN 47404

Civil Legal Resources

Area of Law	QR Code	Agency	Description	How to Apply	Location
Housing		Indiana Coalition Against Domestic Violence (Housing)	Legal Representation to victims of domestic violence, sexual assault, and stalking in housing cases.	Apply by call or text at (317) 762-5115. Calls are returned within 24 business hours.	Telephone and Email Only
Housing		Self Service Kiosks	The kiosks provide Hoosiers a way to access the civil legal system and the resources on Indiana Legal Help.	First come, first served at each location	Public Library (downtown), 2nd Floor Justice Building (outside Courtroom 212)
Housing		Renting in Indiana	This is a handbook for understanding leases, security deposits, your rights and responsibilities and other issues related to renting a home.	Available online	None
Housing		Knowing Your Rights as an Indiana Renter	Videos on housing discrimination, how to protect yourself from eviction, reasonable accommodations, understanding leases, and safe and clean housing.	Online only	Online Only
Eviction		Eviction Prevention Project	Non-attorney Court navigation, general information and referrals to legal providers, mediation services and social service providers for issues and housing stability concerns.	Call (812) 340-8189 or email evictionavoidance@gmail.com Tue 9am-11am and Fri 1pm-3pm	Telephone and Email Only
Housing		Community Justice and Mediation Center (CJAM)	Free confidential mediation services for tenants and landlords wishing to resolve issues through a neutral third party mediator.	Call (812) 671-8309 or email l-tmediation@cjamcenter.org	205 S Walnut Street, Ste 16 Bloomington, IN 47404
Orders of Protection		Protective Order Project	The Protective Order Project (“POP”) is a law student-directed project to help victims of domestic violence, sexual assault, stalking, and harassment.	Call (812) 855-4800 or email pop@indiana.edu	IU Maurer School of Law 211 S Indiana Avenue Bloomington, IN 47405
Orders of Protection		Protection Order Assistance Project	Non-attorney assistance in seeking civil orders of protection from the court; safety planning with victims; referrals for additional assistance.	Walk-ins only	Monroe County Clerk 301 N. College Ave., Rm 201 Bloomington, IN 47404
Small Claims		Small Claims Handbook	This manual has been prepared to provide you with general knowledge of the operation of Small Claims Courts.	Online only	Online Only
Small Claims		Community Justice and Mediation Center (CJAM)	Free confidential mediation services for plaintiffs and defendants wishing to resolve their small claims case through a neutral third party mediator.	Call (812) 336-8677 or email admin@cjamcenter.org	205 S Walnut Street, Ste 16 Bloomington, IN 47404

EVICTION PREVENTION PROJECT

Providing free resources for Monroe County tenants and landlords to help prevent eviction

- Legal advice & information
- Mediation
- Referrals for social services & housing navigation

Court-based services:

Wednesday: 9 - 11 am

Thursday: 1 - 3 pm

Intake Line Hours:

Tuesday: 9 - 11 am

Friday: 1 - 3 pm

EPP Intake Line:

(812) 340-8189 (Call/Text)

evictionavoidance@gmail.com

COLLABORATING ORGANIZATIONS



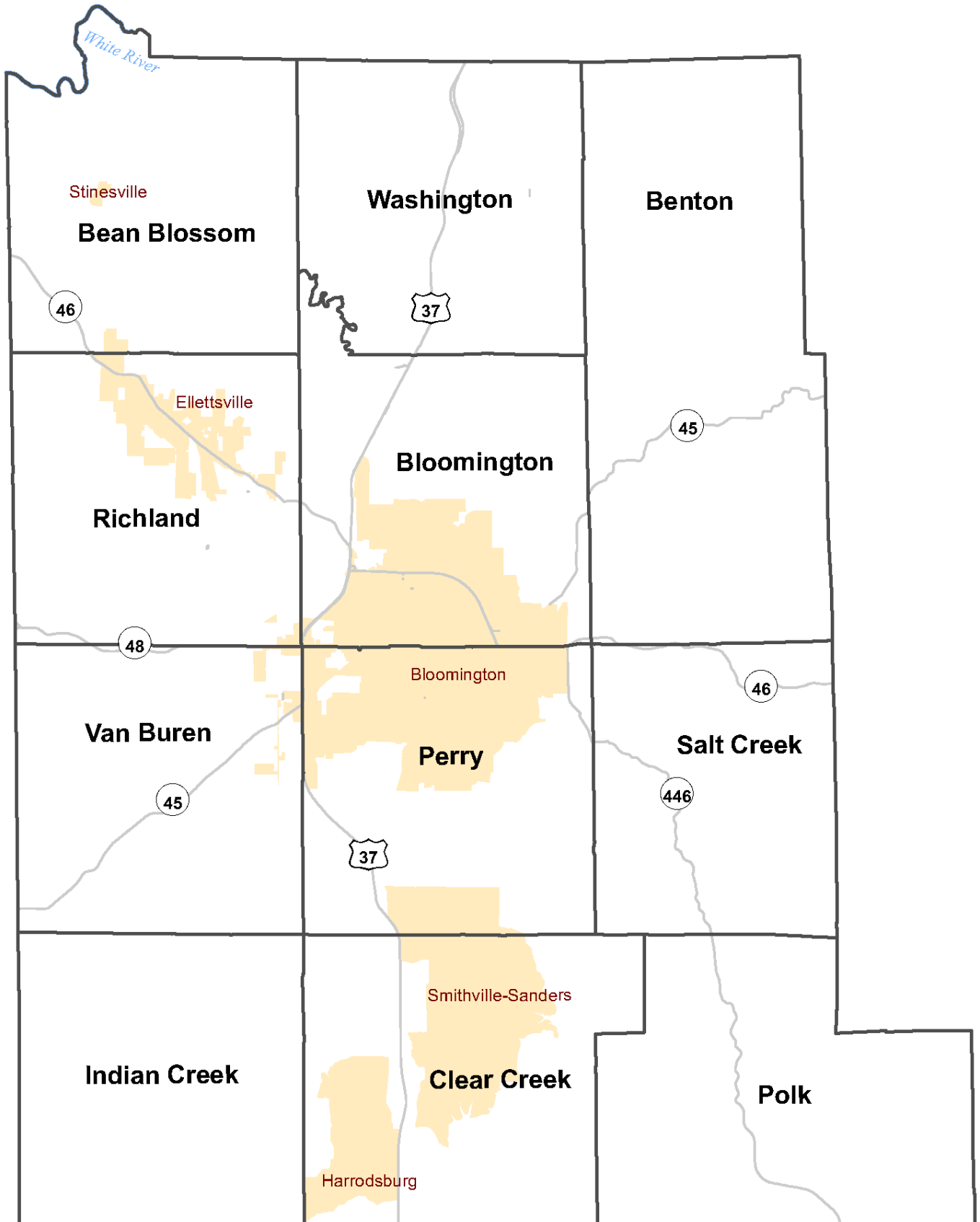
2023 EPP FUNDING PARTNERS



Our thanks to the following for their financial support:

Bloomington Township Trustee, Community Development Block Grant-CV, Community Foundation of Bloomington and Monroe County, Inc., Jack Hopkins Social Services Committee, United Way of Monroe County

Monroe County, Indiana Townships



Township Trustee Assistance

Monroe County is comprised of eleven Townships. A Township Trustee is an elected official.

Your Township Trustee can provide assistance with basic necessities such as food, shelter, utilities and medical care for residents within their township that meet income guidelines and other requirements.

There is an application process which requires that you provide documents for review and have an interview with a Case Investigator to determine eligibility. If you qualify for assistance, it will typically be provided as a payment made directly to your landlord or utility provider.

You can contact your Township Office for information on what services are available, how to obtain an application, financial guidelines and documentation requirements and **to schedule an appointment.**

How to check what township you live in. If no permanent address, contact the Township nearest you for guidance.

Go to <https://in.wayeo.us/> - Click "Accept"
Enter an address on the top left side of the screen,
Federal info will be on top right side of the screen
Click the "down" arrow to select Township.

Go to <https://bloomington.in.gov/mybloomington/>
Enter address and click on button noting that you are
Inside (green) or Outside (red) City Limits.
Scroll down to see what Township is listed.

Bean Blossom Township

Ronald Hutson (812) 935-7174
7030 N. Mt. Tabor Rd beanblossomtrustee19@gmail.com
Ellettsville, IN 47429 Hours: By Appointment

Benton Township

Michelle Bright (812) 339-6593
7616 E. State Road 45 office@bentontrustee.org
Unionville, IN 47468 Hours vary - check website
www.bentontownshiptrustee.com

Bloomington Township

Efrat Rosser (812) 336-4976
924 W. 17th St., Ste C trustee@btfire.org
Bloomington, IN 47404 Hours: By Appt Mon-Fri 9-3
www.bloomingtontownship.in.gov

Clear Creek Township

Thelma Kelley Jeffries (812) 824-7225
9206 S. Old State Rd 37 thelma@bluemarble.net
Bloomington, IN 47403 Hours: By Appointment
www.clearcreektwp.com

Indian Creek Township

Christopher Reynolds (812) 824-4981
8019 S. Rockport Road indiancreektownship@gmail.com
Bloomington, IN 47403 Hours: By Appointment

Perry Township

Dan Combs (812) 336-3713
1010 S. Walnut St. Ste A trustee@perrytownship.info
Bloomington, IN 47401 Hours: M-F 9am-3pm
www.perrytownship.info

Polk Township

Scott Smith (812) 902-8200
9070 S. Chapel Hill Rd polktownshiptrustee@gmail.com
Heltonville, IN 47436 Hours: By Appointment

Richland Township

Marty Stephens (812) 876-2509
416 S. Park Street rttfrontdesk@bluemarble.net
Ellettsville, IN 47429 Hours: By Appt Mon-Fri 8-3
www.richlandtownshiptrustee.org

Salt Creek Township

Joan Hall (812) 837-9140
7333 E. Salt Creek Dr. jcareyhall@gmail.com
Bloomington, IN 47401 Hours: By Appointment

Van Buren Township

Rita Barrow (812) 825-4490
2123 S. Kirby Road Hours: M-F 8:30-12, 1-3
Bloomington, IN 47403
vbtrustee@vanburentownship.org
www.vanburentownship.org

Washington Township

Mary VanDeventer (812) 325-1708
505 W. Simpson Chapel Hours: By Appointment
Bloomington, IN 47404
mvandeventertrustee@gmail.com
www.washtownship-in.org

