

NOTICE OF CLAIM

Important information is on the back of this Notice of Claim. PLEASE READ.

COUNTY DIVISION _____

Plaintiff

Name _____
Address _____
City _____
State _____ Zip Code _____
Phone # _____ Cell # _____
Email _____

IN THE LAKE SUPERIOR COURT
SMALL CLAIMS DIVISION

PHONE: (219) _____

Defendant #1

Name _____
Address _____
City _____
State _____ Zip Code _____
Phone # _____ Cell # _____
Email _____

Defendant #2

Name _____
Address _____
City _____
State _____ Zip Code _____
Phone # _____ Cell # _____
Email _____

TO THE DEFENDANT:

You have been sued by the Plaintiff whose name appears above. YOU ARE HEREBY NOTIFIED that the trial of this claim is set for _____ day of _____, 20__ at _____ am/pm. If you fail to appear in the LAKE SUPERIOR COURT SMALL CLAIMS DIVISION _____, Room _____ at the date and time set for trial, a default judgment may be entered against you. **ALL PARTIES MUST BRING TO COURT 3 COPIES OF ALL DOCUMENTS THEY INTEND TO SUBMIT AS EVIDENCE TO THE JUDGE.**

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

Exhibits Attached: Account _____ Contract _____ Other _____ Lease _____
(LANDLORD'S MUST ATTACH A COPY OF THE LEASE TO THIS DOCUMENT, IF ONE EXISTS, AND PROVIDE TO THE CLERK 1 ADDITIONAL COPY OF THE LEASE FOR EVERY PERSON SUED AT THE TIME SUIT IS FILED)

The Plaintiff demands judgment against the Defendant(s) for \$ _____ costs of this action, interest allowed by law and all other proper relief.

Signature of Plaintiff(s)

Service Information

____ CERTIFIED MAIL _____ DATE
____ SHERIFF

CLERK _____
BY DEPUTY _____

NOTICE TO THE PARTIES

You may appear in person or by an Attorney. If the Defendant does not want to dispute Plaintiff's claim, the Defendant may nevertheless appear at said time and place for the purpose of allowing the court to establish the method by which the judgement shall be paid. If the Defendant does not appear as scheduled on the reverse side, judgement by default may be entered against the Defendant and Defendant's earnings or property may be attached. If a Defendant has a counter-claim against the Plaintiff's arising from the same transaction or occurrence, the Defendant may assert in writing and deliver to the Clerk no later than ten (10) days before the scheduled trial date. Failure to file such a counter-claim within this time will give the Plaintiff the right to request a continuance. If a counter-claim exceeds the sum of Ten Thousand Dollars (\$10,000.00). A Defendant may waive the excess and proceed to trial. However, a Defendant cannot sue for the balance at a later time. At the trial, both parties should present all receipts, documents and witnesses that support the claim, defense or counter-claim. **ALL PARTIES SHALL BRING THREE (3) COPIES OF ALL DOCUMENTS THEY INTEND TO SUBMIT AS EVIDENCE TO THE JUDGE, ONE FOR THEMSELVES, ONE FOR THE COURT, AND ONE FOR THE OTHER PARTY.**

IF THE PLAINTIFF OR Defendant IS A CORPORATION OR LLC, IT MUST BE REPRESENTED BY AN ATTORNEY AT LAW, UNLESS the Plaintiff's claim are under Six Thousand Dollars (\$6,000.00). If so, the corporation representative selected to represent the corporation must be a full-time corporate employee authorized by a written resolution of the Board of Directors of the corporation. In addition, thereto, such corporation representative must file an Affidavit with the Clerk of the Court, that he or she is not a disbarred attorney or the representative of a collection agency. **IF THE PLAINTIFF OR IS A SOLE PROPRIETORSHIP OR PARTNERSHIP AND THE CLAIM IS OVER SIX THOUSAND DOLLARS (\$6,000.00), THE OWNER/PARTNER MUST APPEAR IN PERSON OR HIRE AN ATTORNEY AT LAW.** If the claim is less than Six Thousand Dollars (\$6,000.00), the owner/partner may designate a full-time employee to appear on their behalf; the designated employee must have written and signed authorization from the owner/partner. Furthermore, the representative must file an affidavit with the Clerk of the Court that he or she is not a disbarred attorney or representative of a collection agency.

By Filing a claim in Small Claims Court, Plaintiff(S) waive their right to trial by jury. If a Defendant desires trial by jury, a Defendant must file with the Clerk of the Court an Affidavit which states that there are questions of fact requiring a trial by jury, and which specifies what those facts are and also state that your jury demand is intended in good faith. This paperwork must be filed within ten (10) days following Defendant's receipt of the Notice of Claim. Defendant's failure to timely file this paperwork with the Clerk, may result in the request for a jury trial being denied. Furthermore, in order to obtain a trial by jury, the Defendant must pay a Seventy Dollar (\$70.00) transfer fee.

All out of court settlements should be in writing and signed by all parties and filed with the Clerk of the Court.

If you cannot appear at the scheduled time for trial and want to request a continuance, you must submit IN WRITING, the reasons why you cannot come to court, this request needs to be sent to the Clerk of the Court. The Clerk must receive this request not less than five (5) days before the trial date. The Clerk's address is listed on the front of this form. Continuances will only be granted upon showing of good cause.

Unless the corporation, sole proprietorship/partnership or collection agency exception apply, you do not need an attorney to represent you. The trial will be conducted in an informal manner.