

## COMPLAINT—POSSESSION FOR EXPIRATION OF LEASE PERIOD

### When to use this particular Complaint for Eviction

*This type of complaint is to be used when you, the plaintiff-landlord, are alleging the defendant-tenant should be evicted because:*

- 1. The agreed lease period has expired and the tenant has not vacated the property.*

*\*\*This form should **NOT** be used when the original lease agreement contemplated a holdover tenant or when the plaintiff-landlord has acquiesced to a holdover tenant by accepting rent after the expiration of the original lease period.\*\**

NAME: \_\_\_\_\_

BLAINE S. GOODE, JUDGE  
EVICTIONS (SMALL CLAIM)  
JEFFERSON SUPERIOR COURT

ADDRESS: \_\_\_\_\_

JEFFERSON COUNTY COURTHOUSE  
300 E. MAIN STREET  
MADISON, INDIANA 47250

TOWN, STATE & ZIPCODE: \_\_\_\_\_

TELEPHONE NO.: \_\_\_\_\_

TELEPHONE NO.: (812) 265-8914  
FAX NO.: (812) 265-8951

EMAIL: \_\_\_\_\_

*AGAINST*

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CAUSE NO.: 39D01-\_\_\_\_\_-EV-\_\_\_\_\_

TOWN, STATE & ZIPCODE: \_\_\_\_\_

TELEPHONE NO.: \_\_\_\_\_

EMAIL: \_\_\_\_\_

**COMPLAINT—POSSESSION FOR EXPIRATION OF LEASE PERIOD**

**TO THE DEFENDANT:**

You have been sued by the Plaintiff whose name appears above. You must appear in the Jefferson Superior Court at the above address for a bench trial on this claim on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ .m.

Plaintiff complains of defendant and for cause of action says:

1. On the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, plaintiff rented to the defendant the following described real estate located in Jefferson County, Indiana, to wit: \_\_\_\_\_, for which defendant agreed to pay plaintiff certain rental sums and abide for a specified period of time. Plaintiff agreed to lease said premises to the defendant on a [ ] month to month basis [ ] year to year basis [ ] other term, to wit: \_\_\_\_\_.
2. Pursuant to said agreement, defendant took possession of said premises and has since and still does occupy the same.
3. The defendant's lease term expired on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.
4. The defendant has not delivered possession of said real estate to plaintiff, but has unlawfully held over and detained possession of said premises from the plaintiff since the expiration of said lease term.

WHEREFORE, plaintiff demands possession of said real estate, monetary judgment *not associated with unpaid rent* for \$\_\_\_\_\_, plus court costs of \$\_\_\_\_\_, and all just and proper relief.

\_\_\_\_\_  
PLAINTIFF

**IMPORTANT INFORMATION CONCERNING THIS CLAIM**

1. The plaintiff and defendant may represent themselves or retain an attorney to represent them.
2. The plaintiff and defendant must bring to the trial all documents in their possession or control concerning this claim, as well as having all witnesses available to testify.
3. The defendant must provide the court and plaintiff with a written statement of any counterclaim arising out of the plaintiff's claim at least seven (7) calendar days before the trial.
4. Any request for change of the trial date by either party should be directed by telephone to the Judge of the Jefferson Superior Court at (812) 265-8932.
5. By filing this claim in the Jefferson Superior Court as a small claim eviction, the plaintiff waives the right to a trial by jury. The defendant has ten (10) days from the receipt of this notice to file an affidavit requesting a jury trial and pay for the case to be transferred to the plenary docket or the defendant also loses the right to a jury trial.
6. If the defendant does not wish to dispute the plaintiff's claim, the defendant may appear at the time for trial for the purpose of providing information to the court regarding the defendant's responsibility.
7. If a settlement of this claim is made out of court, the parties must submit the settlement in writing to the court for approval before the settlement can become a judgment against the defendant.
8. If you fail to appear at the time and date set for trial, a default judgment may be entered against you.

**RETURN OF NOTICE OF CLAIM**

This notice of claim came to hand on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and I served the same on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by:

1. Delivering a copy of the Notice of Claim to \_\_\_\_\_  
\_\_\_\_\_.
2. By leaving a copy of the Notice of Claim at \_\_\_\_\_,  
which is the dwelling or usual place of abode of the defendant, \_\_\_\_\_,  
and by sending a copy of the Notice of Claim to the last known address of the defendant, \_\_\_\_\_  
\_\_\_\_\_ by first class mail.
3. By serving the defendant's agent as provided by rule, statute or valid agreement, to wit: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
4. The defendant cannot be found in my bailiwick and the Notice of Claim was not served. I now return this writ on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Jefferson County Sheriff/Deputy