

COMPLAINT—POSSESSION FOR NONPAYMENT OF RENT

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 solely for:

1. Failing to pay rent

****If other violations of the lease terms are going to be alleged, do NOT use this form. See the form entitled “COMPLAINT—POSSESSION FOR NONPAYMENT OF RENT AND CONDUCT VIOLATIONS”****

NOTICE: When a Complaint for Eviction is based solely upon an allegation of nonpayment of rent, Indiana Supreme Court Order 21S-MS-422 (effective October 22, 2021) *requires* the trial court to advise the parties of the availability of eviction diversion resources, including emergency rental assistance, the availability of legal assistance, as well as the availability of the Indiana Supreme Court’s free *Landlord and Tenant Settlement Conference Program*.

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 NONPAYMENT OF RENT

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 an trial hearing 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, as rental, the sum of \$_____ per [] month [] week, due on the ____ day of the _____, beginning on the ____ day of _____, 20__.

2. Pursuant to said agreement, defendant took possession of said premises and has since and still does occupy the same.

3. Defendant paid the installment of rent due until the installment which became due on the ____ day of _____, 20__. That said installment and each installment which has become due since are wholly or partially unpaid.

4. On the ____ day of _____, 20__, plaintiff notified the defendant in writing to surrender possession of said premises at the expiration of **ten (10) days** from the date of receiving said notice.

5. The defendant has not paid said rent or 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 **ten (10) day** notice.

WHEREFORE, plaintiff demands possession of said real estate, monetary judgment 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