

CAREFULLY READ THE FOLLOWING INFORMATION

KEEP YOUR COURT DOCUMENTS for future reference and always bring them with you to Court. IF YOU HAVE QUESTIONS ABOUT THE SUIT AGAINST YOU, you should contact the person(s) or entity suing you. The Court and the Clerk can only answer questions concerning Court procedures; they cannot answer questions about the suit against you.

A NATURAL PERSON may appear pro se or by counsel in any Small Claims proceedings. A SOLE PROPRIETORSHIP OR PARTNERSHIP MAY be represented by the sole proprietor or partner, owner, or counsel up to the jurisdictional limit of \$10,000.00. A SOLE PROPRIETORSHIP OR PARTNERSHIP MAY be represented by a designated full-time employee if the claim does not exceed \$6,000.00 and the proper certificate of compliance and affidavit required by S.C. 8(C) has been completed. The authorization form may be obtained from the Clerk's Office.

A CORPORATION MUST APPEAR BY COUNSEL IN ANY CLAIM EXCEEDING \$6,000.00. A Corporation MAY appear by a designated full-time employee if the claim does not exceed \$6,000.00 and the proper certificate of compliance and affidavit required by S.C. 8(C) has been completed. The authorization form may be obtained from the Clerk's Office.

IF YOU HAVE A CLAIM against anyone (including the person suing you) arising from the same transaction or occurrence which is the subject of the notice of suit, you must file a notice of your suit with the Court. If your suit is against the person suing you, you must file your notice of suit early enough so that the person receives a copy of your suit from the Court at least ten (10) calendar days prior to the scheduled hearing. The Clerk's Office and the Court provide forms and assistance for you to file any such suit(s).

IF YOU DO NOT DISPUTE THE SUIT AND YOU ARE ABLE TO PAY the suit and court costs in full, you may do so in the Clerk's Office (715 S. Calhoun St., Room 200, Fort Wayne, IN 46802) at any time before the scheduled hearing; unless the suit against you is for landlord/tenant ejectment, or for return of personal property. IF YOU DO NOT DISPUTE THE SUIT BUT YOU ARE NOT ABLE TO PAY the suit and court costs in full, you should either contact the person(s) or corporation suing you or appear at the scheduled hearing in order to establish the manner in which the suit or judgment will be paid.

IF YOUR HEARING IS SCHEDULED ON THE CLAIMS CALENDAR, you must appear; however, a trial will not be held on that date. The hearing is scheduled to allow the parties to meet and attempt to informally resolve their dispute(s) or to schedule a future trial of their dispute(s). IF YOUR HEARING IS SCHEDULED ON A TRIAL CALENDAR, a trial will be held on the date scheduled before a State Magistrate. BE PREPARED TO PROVE YOUR SIDE OF THE CASE by bringing with you all documents in your possession or control and all witnesses on your behalf.

IF YOU FAIL TO APPEAR AT THE SCHEDULED HEARING, A DEFAULT JUDGMENT MAY BE ENTERED AGAINST YOU. If you or your attorney cannot appear for the hearing, contact the court in person immediately upon receipt of this notice.

IF YOU ARE UNABLE TO ATTEND THE TRIAL ON THE DATE SET, you may ask the Court for a continuance. Except for proven extraordinary circumstances, you are entitled to only one continuance, so use it only if you have a good reason, and only if it is absolutely necessary. All continuances must be requested in person and more than seven (7) days prior to the date and time set for trial.

Any defendant has the right to a trial by jury; but only if within ten (10) days from receipt of this notice said defendant files with the Court an affidavit requesting a jury trial and pays the associated costs (an additional fee of \$70.00) for a jury trial. Once a jury trial request has been granted, it may not be withdrawn without the consent of the other party or 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.

A COURT MAY SANCTION a designated employee or trustee, and the entity they represent, for failure to comply with these rules or local rules of court. Sanctions may include assessment of costs or reasonable attorney's fees, the entry of a default judgment, the dismissal of a claim with or without prejudice, fines, and /or incarceration.

A more detailed sheet of general information regarding Small Claims Court is available upon your personal request at the Court or Clerk's offices.