

STATE OF INDIANA)
)
VANDERBURGH COUNTY)

SS: IN THE VANDERBURGH SUPERIOR COURT
SMALL CLAIMS DIVISION

PLAINTIFF(S)

CAUSE NO. 82D0 - -EV- _____

VS.

DEFENDANT(S)

COMPLAINT FOR EJECTMENT

PLAINTIFF(S) COMPLAINS OF THE DEFENDANT(S), AND FOR ITS CAUSE OF ACTION AND ALLEGES AND SAYS:

1. THAT PLAINTIFF(S) IS THE OWNER IN FEE SIMPLE AND ENTITLED TO POSSESSION OF CERTAIN REAL ESTATE AND PREMISES LOCATED IN VANDERBURGH COUNTY, INDIANA, COMMONLY KNOWN AS _____, EVANSVILLE, VANDERBURGH COUNTY, INDIANA.

2. THAT DEFENDANT(S) UNLAWFULLY RETAINS POSSESSION OF AND KEEPS PLAINTIFF(S) OUT OF POSSESSION OF THE SAID REAL ESTATE AND PREMISES.

WHEREFORE, PLAINTIFF(S) SUE AND PRAYS FOR JUDGMENT FOR IMMEDIATE POSSESSION OF THE ABOVE DESCRIBED REAL ESTATE AND PREMISES, TOGETHER WITH SUCH DAMAGES AS PROPER RELIEF IN THE PREMISES.

PLAINTIFF(S) STATE(S) AWARENESS OF THE PENALDY OF PERJURY AND THAT THE DEFENDANTS(S) IS/ARE NOT NOW SERVING IN THE ARMED FORCES OF THE UNITED STATES.

BY: _____

AFFIDAVIT

THE UNDERSIGNED, BEING FIRST DULY SWORN UPON HIS/HER OATH, ALLEGES AND SAYS: TO THE BEST OF HIS/HER INFORMATION, KNOWLEDGE, AND RELIEF:

1. THAT THE PLAINTIFF(S) ARE ENTITLED TO THE POSSESSION OF THE PROPERTY DESCRIBED IN PLAINTIFF(S) COMPLAINT HEREIN.

2. THAT THE DEFENDANT(S) UNLAWFULLY RETAINS POSSESSION THEREOF.

3. THAT THE ESTIMATED RENTAL VALUE OF SAID PROPERTY IS \$ _____ PER MONTH AND THAT THE DEFENTANT(S) OWES RENT TO THE PLAINTIFF(S) IN THE AMOUNT OF \$ _____.

BY: _____

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 20____.

Dottie Thomas, CLERK

DEPUTY: _____

(SERVE ONLY ONE DEFENDANT – INSERT COMPLETE ADDRESS)

PLEASE SERVE:

I/We hereby certify that the foregoing or attached Court Record or document Complies with all the requirements of Trial Rule 5(G) with regard to Information Excluded from the public record under Administrative 9(G).

SERVE BY (CIRCLE ONE) SHERIFF CERTIFIED MAIL

NOTICE TO APPEAR

YOU ARE HEREBY COMMANDED AND SUMMONED TO APPEAR IN THE VANDERBURGH SUPERIOR COURT, SMALL CLAIMS DIVISION, ROOM 223, COURTS BUILDING, ON THE

_____ DAY OF _____, 20____, AT _____:_____ AM/PM FOR THE PURPOSE OF CONTROVERTING PLAINTIFF(S) AFFIDAVIT OR TO OTHERWISE SHOW CAUSE WHY YOU, AS DEFENDANT(S), SHOULD NOT BE TAKEN FROM THE PROPERTY DESCRIBED IN PLAINTIFF(S) COMPLAINT AND AFFIDAVIT, AND GENERALLY KNOWN AS

_____ EVANSVILLE, INDIANA.

YOU ARE INFORMED THAT YOU, AS DEFENDANT(S), MAY FILE AFFIDAVITS ON YOUR OWN BEHALF WITH THIS COURT, AND MAY APPEAR AND PRESENT TESTIMONY ON YOUR OWN BEHALF AT THE AFORESAID HEARING IN THIS COURT, AND THAT YOU MAY FILE WITH THIS COURT WRITTEN UNDERTAKING TO STAY THE DELIVERY OF SAID PROPERTY IN ACCORDANCE WITH THE PROVISION OF INDIANA CODE SECTIONS 32-6-1.5-1 THROUGH 32-1.5-12.

YOU ARE FURTHER INFORMED THAT IF YOU FAIL TO APPEAR IN THIS COURT AT THE TIME AND DATE AFORESAID, PLAINTIFF(S) MAY BE GRANTED A JUDGMENT OF POSSESSION.

JUDGE SUPERIOR COURT

STATE OF INDIANA) IN THE VANDERBURGH SUPERIOR COURT
) SS:
 COUNTY OF VANDERBURGH)

_____))
 Plaintiff,))
))
 v.))
)) CAUSE No: 82D ____ - ____ -EV- ____
))
 _____)
 Defendant(s).)

Pre-eviction Diversion Program Advisement

1. The Indiana Supreme Court requires the Court to advise all landlords and tenants at an initial eviction hearing of community resources which may make the eviction unnecessary.

2. These resources may be of benefit to both landlords and tenants.

3. The most efficient way to learn what state, federal, or local community resources may be available to you is to call the United Way at **2-1-1**. You will speak to a social worker with knowledge of community resources and eligibility requirements.

4. **If state or federal emergency rental assistance is currently available, you must call 2-1-1 for information about how to apply.**

5. The following local community organizations may offer emergency rental assistance, utility assistance, or housing assistance to residents of Vanderburgh County:

- a. Aurora: (812) 428-3246, www.auroraevansville.org
- b. Community Action Program of Evansville (CAPE): (812) 425-4241, www.capeevansville.org
- c. Catholic Charities of Evansville: (812) 423-5456, www.cceevansville.org
- d. The Township Trustee's Office *for the township where you reside*:
 - i. Armstrong: (812) 963-9567
 - ii. Center: (812) 435-5502
 - iii. German: (812)454-6137
 - iv. Knight: (812) 477-1596
 - v. Perry: (812) 425-8460
 - vi. Pigeon: (812) 435-5388
 - vii. Scott: (812) 867-7091
 - viii. Union: (812) 422-4550
- e. Salvation Army: (812) 422-4673
- f. St. Vincent De Paul: (812) 425-3485, www.svdpevansville.org
- g. Local churches

6. If a tenant applies for or has already applied for rental assistance, the tenant should tell the landlord immediately. The tenant should keep the landlord advised of the current status of the application(s) at all times.

7. The Indiana Supreme Court also offers a FREE Settlement Conference Program which may allow the landlord and tenant to reach an agreement without a

formal eviction. Information about this program is available at www.in.gov/courts/housing/fast.

8. If you are not represented by an attorney and would like legal assistance, please contact one of the following resources for help:
 - a. Indiana Legal Services: (812) 426-1295; Toll-Free (800) 852-3477; www.indianalegalservices.org
 - b. Legal Aid Society of Evansville: (812) 435-5173
 - c. Indiana Legal Help Self-Service Website: www.indianalegalhelp.org
 - d. Self-Represented Litigants Legal Helpdesk: Vanderburgh County Law Library, Room 207, weekdays from 8:00 a.m. to 9:00 a.m.
 - e. EBA Talk to a Lawyer Program: (812) 618-4845; Toll Free (888) 594-3449
 - i. First Thursday of each month from 4:30 p.m. to 6:00 p.m.
 - ii. Third Tuesday of each month from 11:30 a.m. to 1:00 p.m.
9. **You may request a continuance to speak with legal counsel.**
10. **You have the right to request to be heard by a Judge.**
11. **You must inform the Court at your first hearing if you would like to participate in the Pre-eviction Diversion Program**
12. If both landlord and tenant agree to participate in the Pre-eviction Diversion Program:
 - a. The eviction will be stayed for 90 days to allow the tenant to apply for and obtain the resources and/or allow the parties to reach an alternative agreement. Progress hearings will be held every 30 days.
 - b. You will receive a document titled Pre-eviction Diversion Program Case Management Order. The case management order will have your court dates listed and provide you with a list of what each party should have completed by each date.
 - c. The case will be marked confidential and will no longer be publicly accessible on mycase.in.gov. The case may remain confidential during and after the program as long as the tenant complies with all of the terms of the program.

NOTICE TO APPEAR RENT & DAMAGE HEARING

A COMPLAINT FOR EJECTMENT HAS BEEN FILED AGAINST YOU. IN THE EVENT THAT IT IS GRANTED, PLAINTIFF(S) ASKS JUDGMENT IN THIS COURT AGAINST YOU FOR BACKRENT & DAMAGE WHICH MAY INCLUDE COSTS AND ATTORNEY FEES. IF THE EJECTMENT IS NOT GRANTED, THIS HEARING DATE WILL BE VACATED. YOU OR YOUR ATTORNEY MUST APPEAR ON

THIS CLAIM ON THE _____ DAY OF _____, 20____, AT _____:____ AM/PM, IN THE SMALL CLAIMS DIVISION OF THE VANDERBURGH SUPERIOR COURT, ROOM 223, COURTS BUILDING, 825 SYCAMORE ST. EVANSVILLE, INDIANA, 47708, (812) 435-5166 OR JUDGMENT BY DEFAULT WILL BE ENTERED AGAINST YOU IN THE AMOUNT PROVEN BY THE PLAINTIFF(S). IF JUDGMENT IS ENTERED AGAINST YOU, YOUR EARNINGS MAYBE GARNISHED OR YOUR PROPERTY MAY BE ATTACHED TO SATISFY THE JUDGMENT.

IF YOU ARE UNABLE TO APPEAR IN COURT AT THE ABOVE TIME, YOU MUST FILE A WRITTEN MOTION REQUESTING A CONTINUANCE PRIOR TO THE DATE YOU ARE TO APPEAR. IF YOU DESIRE TIME TO PAY, YOU MAY MAKE SUCH A REQUEST TO THE PLAINTIFF'S ATTORNEY OR THE PLAINTIFF(S).

IF YOU APPEAR AND DENY THE CLAIM, A TRIAL DATE WILL BE SET. IF YOU HAVE A CLAIM FOR RELIEF AGAINST THE PLAINTIFF(S) ARISING FROM THE SAME TRANSACTION OR OCCURRENCE, YOU MUST INFORM THE COURT AT THE FIRST HEARING.

NOTICE OF THE DEFENDANT'S RIGHT TO A JURY TRIAL AND THAT SUCH RIGHT IS WAIVED UNLESS A JURY TRIAL IS REQUESTED WITHIN TEN (10) DAYS AFTER RECEIPT OF THE NOTICE OF CLAIM; THAT ONCE A JURY TRIAL REQUEST HAS BEEN GRANTED, IT MAY 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 PARTIES REQUESTING A JURY TRIAL SHALL BE DEEMED TO HAVE WAIVED THE REQUEST.

Judge Superior Court