

INSTRUCTIONS FOR FILING A SMALL CLAIM

1. Small Claims may be filed with the Clerk's Office, whose office is located at 1215 Race St, New Castle IN 47362, between the hours of 8:00 a.m. and 3:00 p.m., Monday thru Friday. Telephone (765) 521-2664 or 521-2554.
2. The cost of filing a small claim is \$125.00 (and \$10.00 for each additional Defendant) payable at the time of filing by cash, certified check, cashier's check or money order. (Attorney's checks payable to Henry County Clerk will be accepted.) Your filing fee may be returned to you if you win the case, but not if you lose.
3. Small claim forms are available in the Clerk's office **Forms must be typed or printed legibly.** All claims are to be filed in sufficient quality so that there is the original for the Court file, one copy to be returned to you and two additional copies for each defendant you wish serve.
4. You may complete the forms yourself, however if you do so the Clerk must approve each claim before the Clerk will accept it for filing. The Clerk will assist you in completing the necessary forms if you so desire, but the Clerk will not give legal advice nor decide the merit of your claim. Therefore, if you need legal advice contact an attorney immediately.
5. Unless you determine otherwise you are not required to have an attorney file your small claim nor do you need one when your case comes to trial. **NOTE:** All corporations filing small claims and appearing in the small claims court must be represented by legal counsel in claims exceeding \$ 1,500.00. In claims not exceeding \$ 1,500.00, a full time employee may be designated to represent a corporation by filing a Certificate of Compliance with the Court in accordance with Indiana Trial Rule SC-8.
6. You must know the correct name and address of the defendant(s). Make sure you are suing the person who is responsible. If you are suing a company or organization your claim should be directed to the attention of a specific individual who represents that company or organization..
7. To file a Small Claims in Henry County, the person you are suing must reside in Henry County or the transaction had to have taken place in Henry County.
8. You cannot claim more than \$ 6,000.00, and you cannot incorporate one claim into several suits. If you are entitled to more than \$6,000.00 you waive your rights to the remainder by filing a small claim and receiving judgment.
9. If you are suing on an account, note, check or contract in writing, you must submit, when filing your claim, the appropriate number of copies of each document for yourself and each named defendant. Originals will be kept in the Court file.
10. State your claim against the defendant simply and briefly. You will have an opportunity to explain your claim fully in Court. Claim only those exact money damages that you believe you can prove in Court.
11. It is your responsibility to check service before the trial date.
12. **Be prepared to prove your case with any evidence you have, and bring all your evidence and witnesses with you when you come to Court.** Subpoenas can be issued by the Court Clerk for reluctant witnesses.
13. Trial dates will be on Thursday and will be scheduled on the first available date. **Be there on time.** If you are not there when the case is called it will be dismissed.
14. Advise the Court of any change in your address or telephone number which occurs after filing your claim.
15. The decision of the Henry County Court may be appealed to the Indiana Court of Appeals. To qualify for an appeal, the appealing party must take certain action within thirty (30) days of the Small Claims Court judgment. Due to the complicated rules for taking an appeal, the party seeking the appeal should consult legal counsel as soon as possible after the Small Claims Court judgment.
16. If you and the defendant(s) reach a settlement of your claim after filing and before trial, you are to advise the Court as soon as possible.

DAVID L. McCORD
Henry County Circuit Court 3