

MORGAN COUNTY SUPERIOR COURT 3—SMALL CLAIMS DOCKET

CASE NO: _____

NAME: _____

ADDRESS: _____

TELEPHONE NO: _____

E-MAIL ADDRESS: _____

PLAINTIFF

AGAINST

NAME: _____

ADDRESS: _____

TELEPHONE NO: _____

E-MAIL ADDRESS: _____

DEFENDANT

NAME: _____

ADDRESS: _____

TELEPHONE NO: _____

E-MAIL ADDRESS: _____

DEFENDANT

TO THE DEFENDANT:

YOU HAVE BEEN SUED BY THE PLAINTIFF WHOSE NAME APPEARS ABOVE. YOU MUST APPEAR IN THE MORGAN COUNTY SUPERIOR COURT 3 AT THE ABOVE ADDRESS FOR A TRIAL UPON THIS CLAIM ON THE _____ AT _____:_____ A.M. YOU MAY APPEAR FOR THE TRIAL EITHER IN PERSON OR BY YOUR ATTORNEY. THE PLAINTIFF'S CLAIM IS FOR:

- ACCOUNT OR NOTE
- WAGES
- RENT
- OTHER _____
- CONTRACT
- POSSESSION OF REAL ESTATE
- TORT/ NEGLIGENCE

A BRIEF STATEMENT OF THE NATURE OF THE PLAINTIFF'S CLAIM AGAINST YOU IS AS FOLLOWS: _____

THE PLAINTIFF DEMANDS JUDGMENT AGAINST THE DEFENDANT FOR \$ _____ IN ADDITION, THE PLAINTIFF IS REQUESTING:

- COSTS OF FILING THE CASE
- REASONABLE ATTORNEY FEES IN THE AMOUNT OF \$ _____
- INTEREST AT _____ % FOR THE PERIOD OF TIME FROM _____ UNTIL JUDGMENT IS GRANTED.
- OTHER (SPECIFY) _____

SIGNATURE OF PLAINTIFF

* BE SURE TO READ THE ATTACHED SHEET FOR IMPORTANT INFORMATION CONCERNING THIS CLAIM.*

EVICTION

NOTICE OF CLAIM

MORGAN COUNTY SUPERIOR COURT 3
P.O. BOX 1556
MARTINSVILLE, INDIANA 46151
(765)342-1040

RETURN OF SERVICE

The undersigned certifies that a copy of the claim has been served:

by delivering a copy of this claim personally to the person to be served on the _____ day of _____, 2019 at _____M.

The address of the person served is:

as stated on the face of the claim

By leaving a copy of the claim with a person of suitable age & discretion (that person being) _____ at the dwelling house or usual place of abode of the person to be served. Residence was verified by _____. Service was made on the _____ day of _____, 2019 at _____M in addition a copy of the claim was mailed on the _____ day of _____, 2019.

At the address stated on the face of the claim.

At _____

By leaving a copy of this claim at the dwelling house or usual place of abode of the person to be served. Residence was verified by _____. A copy was left on the _____ day of _____, 2019 at _____M. In addition, a copy of the claim was mailed on the _____ day of _____, 2019 by first class mail to the person served:

At the address stated on the face of the claim.

At _____

The undersigned certifies to the court that this claim has not been served because:

The person to be served no longer lives in Morgan County (their new address is: _____)

the person to be served cannot be located in Morgan County.

Sheriff

By _____

SERVICE PURSUANT TO TRIAL RULE

The undersigned certifies that a copy of the claim and a copy of the complaint/petition has been served pursuant to the trial rule _____ as follows:

Signature: _____

SERVICE ACKNOWLEDGMENT

A copy of the NOTICE OF CLAIM filed in this case was received by me this _____ day of _____ 20_____, at _____

Signature of Defendant

AFFIDAVIT OF DEBT

Comes now affiant, and states:

I _____ am Plaintiff
(Name of Affiant) OR

a designated full-time employee of _____ (Plaintiff).
(Name of Plaintiff)

I am of adult age and am fully authorized by Plaintiff to make the following representations. I am familiar with the record keeping practices of Plaintiff. The following representations are true according to documents kept in the normal course of Plaintiff's business and/or my personal knowledge:

Plaintiff:

is the original owner of this debt.

OR

has obtained this debt from _____ and the original owner of this debt was _____.

_____, Defendant, has an unpaid balance of \$ _____ on account _____.
(Name of Defendant) (last 4 digits of number or id only)

That amount is due and owing to Plaintiff. This account was opened on _____. The last payment from Defendant was received on _____ in the amount of \$ _____.

The type of account is:

Credit card account (i.e. Visa, Mastercard, Department Store, etc.)

List the name of the Company/Store issuing credit card: _____

Account for utilities (i.e. telephone, electric, sewer, etc.)

Medical bill account (i.e. doctor, dentist, hospital, etc.)

Account for services (i.e. attorney fees, mechanic fees, etc.)

Judgment issued by a court (a copy of the judgment is required to be attached)

Other: (Please explain) _____

This account balance includes:

Late fees in the amount of \$ _____ as of _____.
(Month, Day, Year)

Other (Explain _____)

Interest at a rate of _____ % beginning on _____.
(Month, Day, Year)

Plaintiff:

is seeking attorney's fees and additional evidence will be presented to the court prior to entry of judgment on attorney's fees.

OR

is not seeking attorney's fees.

Plaintiff believes that defendant is not a minor or an incompetent individual.

If the defendant is an individual, plaintiff states and declares that:

Defendant is not on active military service. Plaintiff's statement that Defendant is not on active military service is based upon the following facts:

OR

Plaintiff is unable to determine whether or not Defendant is not on active military service military service.

("Active military service" includes fulltime duty in the military (including the National Guard and reserves) and, for members of the National Guard, service under a call to active service authorized by the President or Secretary of Defense. For further information, see the definition of "military service" in the Servicemembers Civil Relief Act, as amended, 50 U.S.C.A. Appx. § 521.)

I swear or affirm under the penalties of perjury that the foregoing representations are true.

Dated: _____ Signature of Affiant: _____

STATE OF INDIANA)
) SS:
COUNTY OF MORGAN)

IN THE MORGAN SUPERIOR COURT 3

CASE NUMBER: 55D03-

Plaintiff(s)

vs.

Defendant(s)

PROPERTY STATUS CERTIFICATION AFFIDAVIT

I _____ as the owner/property manager of the real estate commonly known as

(Address)

which is the subject matter of this case affirms the property is a:

Covered property

- a. I have reviewed the CARES Act on evictions for non-payment of rent from federally-subsidized housing and federally-backed mortgages.
- b. I am not filing this claim prior to the expiration of the 30-day notice sent to the tenant.
- c. I have received funds under the Act and sent a 30-day notice to vacate that is attached to this Notice of Claim for Possession of Real Estate.

OR

Non-covered property

- a. The property associated with Notice of Claim for Possession of Real Estate is a not a federally-subsidized apartment, and is not supported by HUD, USDA or the Treasury (Low Income Housing Tax Credit). Further, if the home is a single-family dwelling, I verify that the property is not backed by a federally financed mortgage through FHA, Fannie Mae, and Freddie Mac mortgage.

I affirm, under the penalties for perjury, that the foregoing representation is true to the best of my knowledge and belief.

Date

Landlord/Attorney for Landlord

Certificate of Service

I hereby certify that a copy of this document was sent to the parties or their counsel by _____
(US Mail, E-Service, Sheriff, other manner allowed by IN Trial Rules).

Date

Name

7/29/2020

Appendix C: Notice of Property Subject to Restrictions Under CARES Act Please Read Carefully Before Filing Your Claim

Pursuant to Section 4024 of the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act, the federal government has imposed a federal moratorium on evictions for non-payment of rent from tenants in “covered properties” for 120 days (*i.e.*, until July 25, 2020). Upon the eviction moratorium ending, **landlords must then send a 30-day notice to vacate** to the tenant before they may pursue eviction (see Section 4024(c) of the CARES Act). Landlords of CARES Act covered properties may not pursue an eviction action for non-payment of rent until after the eviction moratorium has ended, AND after they have provided the 30-day notice to vacate (and allowed the 30-day notice period to expire).

The U.S. Department of Housing and Urban Development issued an additional directive for all properties with FHA-insured mortgages, which implemented an eviction moratorium until August 31, 2020. Landlords of FHA-insured mortgaged properties are further prevented from filing an eviction until after it expires on August 31, 2020 (or any extension). The CARES Act and HUD eviction moratoria apply to most federally subsidized housing programs and federally-backed mortgages, including, but not limited to:

- 1) Section 8 Housing Choice Voucher program
- 2) Project-Based Section 8
- 3) Landlords with federally backed mortgages (such as FHA, USDA, VA, Fannie Mae,
- 4) and Freddie Mac mortgages)
- 5) Public Housing
- 6) Low Income Housing Tax Credit program
- 7) Rural Housing Voucher program

Here are searchable tools available to see if your property is covered by a CARES Act or HUD moratoria:

- HUD databases:
 - Multifamily Assisted properties: <https://hudgis-hud.opendata.arcgis.com/datasets/multifamily-properties-assisted>
 - FHA-insured Multifamily properties: <https://hudgis-hud.opendata.arcgis.com/datasets/hud-insured-multifamily-properties>
- National Housing Preservation Database: <https://preservationdatabase.org/>
- National Low Income Housing Coalition: <https://nlihc.org/federal-moratoriums> (limited database)
- Fannie Mae: <https://www.knowyouroptions.com/rentersresourcefinder>
- Freddie Mac: <https://myhome.freddiemac.com/renting/lookup.html>