

Filing a Small Claims Action

When filing your small claims action in Center Township Court, please remember the following rules:

1. The statutory limit for judgment awards in Center Township Court is **six thousand dollars (\$6,000.00)**.
2. If your lawsuit is based on a contract, you must provide a copy of the contract with your Notice of Claim.
3. If you are suing an account, you must file with an **Affidavit of Debt** with your lawsuit which is provided in the online court forms.
4. You must also give the correct name, address and telephone of the Defendant. It is responsibility of the Plaintiff to provide the correct real party in interest in each legal matter.
5. Notice of Suit must be served upon the named Defendant at least **ten (10) days** before the parties are scheduled to appear before the court. If the clerk or the township constable (Marion County Sheriff's Department) is unable to find or notify the Defendant of the lawsuit, the matter may be continued or dismissed, until proper service can be obtained.
6. After your lawsuit is filed, you will be advised of your hearing date. Typically, the first court appearance is used as a date to find if the Defendant is going to dispute the debt. If the Defendant fails to appear as the hearing and proper notice of the lawsuit has been shown to the court; or the parties reach an agreement, a court trial is not necessary. If the Defendant appears and disputes the allegations, a trial date is set.
7. After receipt of the Plaintiff's Notice of Claim, the defendant may file a counterclaim. The counterclaim must be filed and received by the Plaintiff within **seven (7) days** of the trial. The initial Notice of Claim and Counterclaims are heard at the same time, on the trial date.
8. The defendant may file a "Request for Jury Trial". The request must be filed within 10 days of service of the initial Notice of Claim.

Continuances, or postponement, of legal matters will only be granted if good cause for the continuance can be shown. If you have questions about court procedure, the Center Township Court clerk may respond to your questions. If you need legal advice, you must talk with an attorney.