



STATE OF INDIANA )  
                          )  
COUNTY OF BOONE )

IN THE BOONE SUPERIOR COURT II

CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
**Plaintiff**

vs.

\_\_\_\_\_  
**Defendant**

**AFFIDAVIT FOR IMMEDIATE  
POSSESSION OF REAL ESTATE**

Comes now the Plaintiff, \_\_\_\_\_ pursuant  
to statute and having first been duly sworn upon his/her oath does allege and say:

1. That he / she is the Plaintiff in the above cause of action, the same being a Complaint in Ejectment and for Damages.

2. That Plaintiff's claim is for the immediate possession of the property described in the complaint filed by Plaintiff herein and that Plaintiff is entitled to immediate possession of said real estate.

3. That the Defendant does have and hold the possession of said real estate unlawfully and does unlawfully retain possession thereof from the Plaintiff despite the fact that the Plaintiff has demanded possession from the Defendant, and that said demand has been refused.

4. That the estimated annual rental value of said real estate is \$ \_\_\_\_\_;  
The estimated value of said real estate is \$ \_\_\_\_\_; and that the Defendant is now in arrears as to rent in the amount of \$ \_\_\_\_\_.

WHEREFORE, Affiant prays for an Order to be issued directing a hearing to be held upon the matters contained in this Affidavit, and that upon said hearing thereon, further proceedings be then had with reference to said real estate as provided by law.

\_\_\_\_\_  
Plaintiff

I swear or affirm under the penalty of perjury that the foregoing statements are true and accurate to the best of my knowledge.

\_\_\_\_\_  
Plaintiff, Affiant

STATE OF INDIANA )  
                          )  
COUNTY OF BOONE )

IN THE BOONE SUPERIOR COURT II  
CAUSE NO. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff

vs.

\_\_\_\_\_  
Defendant

COMPLAINT IN EJECTMENT AND FOR DAMAGES

Comes now \_\_\_\_\_ and for its claim for relief against the Defendant, does allege and say:

1. That the Plaintiff is the owner of and entitled to the immediate possession of the real estate located in Boone County, Indiana, and improvements thereof, the local address of said property being \_\_\_\_\_, Indiana.

2. That the Defendant now holds possession of said real estate without right, and in addition thereto is in arrears in payment due thereon and late charges to said payments in the amount of \$ \_\_\_\_\_ as of \_\_\_\_\_, 20 \_\_\_\_\_, and that Defendant has unlawfully kept the Plaintiff out of possession thereof to his damage, in the amount of \$ \_\_\_\_\_, plus payments and damages which may accrue thereafter to the date of judgment.

WHEREFORE, Plaintiff prays for judgment for immediate possession of said real estate, damages in the amount of \$ \_\_\_\_\_, plus damages accruing after \_\_\_\_\_, 20 \_\_\_\_\_, costs of this action, and for all other proper relief in the premises.

BY \_\_\_\_\_  
Plaintiff

STATE OF INDIANA )  
                                  )  
COUNTY OF BOONE )

CAUSE NO. \_\_\_\_\_

IN THE BOONE SUPERIOR COURT II

\_\_\_\_\_  
Plaintiff  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
Phone  
                                  vs  
\_\_\_\_\_  
Defendant  
\_\_\_\_\_  
Address  
\_\_\_\_\_  
Phone

NOTICE OF CLAIM TO DEFENDANT

1. You have been sued by Plaintiff in the above Court and a copy of the Claim is attached, or included here in.
2. You are to appear in the Boone Superior Court II, Court House, Lebanon, Indiana, for hearing/trial of said Claim on \_\_\_\_\_
3. Parties to this action may appear either in person or by attorney. Special rules apply to corporations. Check with Court Clerk.
4. You should bring to the hearing/trial all documents in your possession or under your control concerning the Claim
5. If you do not wish to dispute the Claim you may nonetheless appear for the purpose of allowing the Court to establish the method by which the Judgment shall be paid.
6. If you are unable to appear at the time or place designated in this notice, you should immediately contact the Court Reporter or Bailiff of this Court to notify them of that fact. They can be reached in person at Court or by calling (765) 482-6502, 8:00 o'clock A.M. to 4:00 o'clock P.M., Monday through Friday of each week.
7. A Default Judgment may be entered against you if you fail to appear for hearing/trial.
8. You may, not later than ten (10) days following service of this Notice demand a trial by jury, by filing an Affidavit showing there are questions of fact requiring a trial by jury, and specifying such facts, and stating that such is intended in good faith. Upon filing such demand and Affidavit, the case will be transferred to the Civil Docket. There may be additional court costs involved. The case then will lose its status as a Small Claim. Failure to file demand for trial by jury will result in waiver of trial by jury.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Clerk, Boone Superior Court II

CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the date below stated that I mailed a copy of this Summons and a copy of the Complaint to the defendant, \_\_\_\_\_ by certified mail, requesting a return receipt, at the address furnished by the Plaintiff.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Clerk, Boone Superior Court II

RETURN OF SERVICE OF SUMMONS

I hereby certify that I have served the within summons:

(1) By delivering a copy of the Summons and a copy of the Complaint to the Defendant, \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(2) By leaving a copy of the summons and a copy of the Complaint at \_\_\_\_\_ the dwelling place of abode of the said Defendant, with person of suitable age and discretion residing therein, namely \_\_\_\_\_

Sheriff's Fees: \_\_\_\_\_

Additional \_\_\_\_\_

\_\_\_\_\_  
Sheriff of \_\_\_\_\_ County, Indiana  
BY \_\_\_\_\_

State of Indiana )  
                          ) SS:  
County of Boone )

In the Boone Superior Court II

Cause No. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff

VS

\_\_\_\_\_  
Defendant

**Notice to Plaintiff**

You are hereby notified that this case is set for trial before the court on \_\_\_\_\_, at  
\_\_\_\_\_ .M. If you should fail to appear and present evidence, this cause will be  
dismissed by the court.

Date: \_\_\_\_\_

\_\_\_\_\_  
Jessica J. Fouts  
Clerk of Boone County

# Boone Superior Court II

Bruce E. Petit  
Judge

MARK X. SULLIVAN  
Commissioner

**AS OF JUNE 1, 2005, ANYONE FILING A NEW SMALL CLAIMS OR EJECTMENT MUST include a copy of the contract or lease agreement at the time of filing.**

**YES / NO Have you included a copy/copies of your contract or lease agreement? (1 FOR THE COURT and 1 FOR EACH DEFENDANT)**

**If NOT there will be NO distribution of the claim and NO Court date will be set until the Court receives a copy of the contract or lease agreement. Please submit a copy to the Court as quickly as possible.**

\_\_\_\_\_ **No contract or lease agreement between the parties.**

**If you have any further questions, please contact Superior Court II at (765) 482-6502.**

**Thank you.**

**NOT FOR  
PUBLIC ACCESS**

VITAL INFORMATION SHEET  
(SMALL CLAIMS/CIVIL COURT FILINGS)

DESCRIBE DEFENDANT ONLY

FULL NAME \_\_\_\_\_ MALE/FEMALE (Circle One)

DATE OF BIRTH \_\_\_\_\_ SOCIAL SECURITY NUMBER \_\_\_\_\_

DRIVER'S LICENSE NUMBER \_\_\_\_\_

PHYSICAL DESCRIPTION OF THE DEFENDANT

HEIGHT \_\_\_\_\_ WEIGHT \_\_\_\_\_

HAIR COLOR \_\_\_\_\_ EYE COLOR \_\_\_\_\_

RACE \_\_\_\_\_

ANY DISTINGUISHING TRAITS: (SCARS, MUSTACHE, GLASSES, TATOOS, ETC.)

\_\_\_\_\_

VEHICLE DESCRIPTION

MAKE \_\_\_\_\_ MODEL \_\_\_\_\_ YEAR \_\_\_\_\_

COLOR \_\_\_\_\_ PLATE NUMBER \_\_\_\_\_

ANY OTHER LOCATION WHERE DEFENDANT MIGHT BE EASILY LOCATED  
(i.e. Job Location, etc.)

\_\_\_\_\_

\_\_\_\_\_

ANY OTHER INFORMATION THAT WILL HELP IN LOCATING DEFENDANT

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_(Initial here)\_\_\_\_\_ I UNDERSTAND THAT A BODY ATTACHMENT WILL NOT BE  
ISSUED FOR THE DEFENDANT WITHOUT A SOCIAL SECURITY NUMBER AND A DATE  
OF BIRTH.