

Notice of Third Party Claim

Use this form when:

You are the Defendant (being sued by the Plaintiff) and

- You have a claim against a third person or party (someone other than the Plaintiff) based on the same incident, event or claim filed by the Plaintiff against you and you need to include this third person or party in this same lawsuit.

This form has a front and a back. Complete and sign the Notice of Third Party Claim. Print both sides of this Notice of Third Party Claim and bring to court to be filed and served.

The court will not hear and decide your case until you serve the Third Party Defendant both the front and the back of the Notice of Third Party Claim.

SCROLL DOWN FOR Notice of Third Party Claim

NOTICE OF THIRD PARTY CLAIM

TIPPECANOE SUPERIOR COURT No. 4

Courthouse, 301 Main Street
Lafayette, Indiana 47901
Telephone: (765) 423-9266

CAUSE NO.79D04-_____ -SC-_____

Plaintiff requests service by:

- Sheriff of Tippecanoe/_____ County
- Certified Mail

Third Party Plaintiff 1 (original Defendant 1)

Name _____
Address _____
Address _____
City _____ State _____ Zip _____
Telephone (_____) _____
Email _____

Third Party Defendant 1

Name _____
Address _____
Address _____
City _____ State _____ Zip _____
Telephone (_____) _____
Email _____

Third Party Plaintiff 2 (original Defendant 2)

Name _____
Address _____
Address _____
City _____ State _____ Zip _____
Telephone (_____) _____
Email _____

Third Party Defendant 2

Name _____
Address _____
Address _____
City _____ State _____ Zip _____
Telephone (_____) _____
Email _____

If Plaintiff is represented by an Attorney:

Attorney _____
Attorney No. _____
Address _____
Address _____
City _____ State _____ Zip _____
Telephone (_____) _____
Email _____

CLERK'S NOTICE OF CLAIM TO THIRD PARTY DEFENDANT

You (the Third Party Defendant) have been sued and joined in this original Notice of Claim by the Third Party Plaintiff (original Defendant) whose name appears above. You must appear in Tippecanoe Superior Court No. 4 in person or by your attorney on _____, 20____ at ____:____AM/PM for a first hearing. The Court may enter a default judgment against you if you fail to appear. The Third Party Plaintiff's claim is for:

- Contract, Note or Account (copy attached)
- Personal injury or property damage
- Other _____

A brief statement of the Third Party Plaintiff's counter claim against you is as follows:

The Third Party Plaintiff demands judgment against you for \$_____ plus interest from the date of the filing of this Claim at the rate of _____% and court costs of this action.

_____, 20____
Date

Third Party Plaintiff or Attorney signature
(Attorney must sign if Counter Plaintiff is represented by an attorney)

IMPORTANT INFORMATION CONCERNING THIS THIRD PARTY CLAIM

(1) The original Defendant (now the Third Party Plaintiff) must file any Third Party Claim with the Clerk to allow enough time for the claim to be mailed and received by the Third Party Defendant at least seven (7) days before the first scheduled hearing.

(2) A Third Party Claim is filed by the original Defendant in the same case and under the same cause number as the original Notice of Claim naming a third party as the Third Party Defendant. No additional court costs are paid. However, the Third Party Plaintiff must pay the service fees (either Certified Mail or Sheriff's Service Fees).

(3) The Third Party Defendant may represent themselves individually or be represented by an attorney. A Small Claims Manual is available at the Clerk's or the Court's office (or at the website www.tippecanoe.in.gov). The Plaintiff and Defendant should bring to trial all witnesses, documents, exhibits and evidence in their possession or under their control concerning this claim. Many times, the Court will not conduct the trial or hear a contested case at the first scheduled hearing date unless time permits and both parties are prepared to proceed at that time.

(4) A default judgment may be entered against the Third Party Defendant if he or she fails to appear for the first scheduled hearing date or any subsequent trial date. If the Third Party Plaintiff fails to appear, the case will be dismissed (but may be refiled).

(5) If the Third Party Defendant does not dispute the claim, the Third Party Defendant may still appear to allow the Court to establish the method for paying the judgment.

(6) Any request for a continuance of a first scheduled hearing or any trial date by either party should be filed with the Court at least seven (7) days before the court date. Forms to request a continuance are available at the Clerk's or Court's office or on the website. The party requesting the continuance must notify the other party of the request. Any request for a continuance will not be considered unless in writing and served on the other party.

(7) If a settlement of this Third Party Claim is made out of Court, it should be in writing and signed by both parties. Forms to file an Agreed Judgment are available at the Clerk's or Court's office or on the website. The Agreed Judgment shall be filed with the Court, be entered in the Small Claims Docket and have the same effect as a judgment of the Court.

(7) Any exhibits or documents you may offer at trial will be retained by the Court for at least 45 days and no more than 120 days after any hearing that result in a judgment. You may make arrangements to pick up your exhibits and documents any time 45 days after judgment has been entered. If an appeal is filed, these exhibits will remain permanently with the Court. You will receive no further notices regarding your evidence.

SHERIFF'S RETURN OF SERVICE of NOTICE OF CLAIM

I certify that on the below date, I served this Notice of Third Party Claim by:

- Delivering a copy to the person of the Third Party Defendant; **OR**
- By leaving a copy either:
 - posted prominently at the residence of the counter Third Party Defendant listed on the front of this Notice of Claim; **OR**
 - with a person of suitable age and discretion residing therein, name _____; **OR**
 - at the Third Party Defendant's place of work, employment or business listed on the front of this Notice of Claim

AND

- By mailing a copy of this Notice to the Third Party Defendant (1st Class Mail) to the address listed on the front of this Notice of Third Party Claim (date mailed if different from below: _____, 20____).
- I was unable to serve this Notice of Third Party Claim because _____

_____, 20____
Date

Sheriff of Tippecanoe/ _____ County

BY: _____