

Motion for Hearing for Damages

Use this form when:

You are the Landlord or represent the Landlord and

- You claim the Tenant is responsible for damages to the rental unit that are not covered by the security deposit.

This form has both a Motion and an Order.

→ You must fully complete and sign the Motion.

→ You must complete only the top half of the Order. The Order has a front and a back. Print and submit both sides of this Order.

The court will not hear and decide your case until you serve the Defendant (former Tenant) both the front and the back of the Motion for Hearing for Damages.

SCROLL DOWN FOR Motion for Hearing for Damages

MOTION FOR HEARING FOR DAMAGES
[To rental property after tenant has vacated]

TIPPECANOE SUPERIOR COURT No. 4

Courthouse, 301 Main Street
Lafayette, Indiana 47901
Telephone: (765) 423-9266 www.tippecanoe.in.gov

CAUSE NO. 79D04-_____ -SC-_____

Plaintiff requests service by:

- Sheriff of Tippecanoe/_____ County
 Certified Mail

Plaintiff 1 _____ Address _____ Address _____ City _____ State _____ Zip _____ Telephone (_____) _____ Email _____	Defendant 1 _____ Address _____ Address _____ City _____ State _____ Zip _____ Telephone (_____) _____ Email _____
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Plaintiff 2 _____ Address _____ Address _____ City _____ State _____ Zip _____ Telephone (_____) _____ Email _____	Defendant 2 _____ Address _____ Address _____ City _____ State _____ Zip _____ Telephone (_____) _____ Email _____
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If Plaintiff is represented by an Attorney:
Attorney _____
Attorney No. _____
Address _____
Address _____
City _____ State _____ Zip _____
Telephone (_____) _____
Email _____

MOTION FOR HEARING FOR DAMAGES
[Attach Order]

The Court entered judgment against the Defendant on _____, 20_____. The Defendant has since vacated the rental property. The Plaintiff requests the Court schedule a hearing on the issue of damages to the rental property that was the subject of this eviction action. The Defendant vacated the rental property on or about _____, 20_____. The Plaintiff verifies he/she has:

- Has complied with I.C. 32-31-3-12 via U.S. Mail (1st class) or via email (to the address listed above) by sending to the Defendant an itemized list of damages within 45 days of the Defendant providing a forwarding address.
 Has not complied with I.C. 32-31-3-12 because the Defendant has not provided a forwarding address.
 Other _____

Plaintiff further verifies that on the date this Motion was filed, a copy of this Motion was served on the other party by:
 U.S. Mail (1st class) to the address of the other party as listed above.
 Email to the address of the other party as listed above.
 Other: _____

_____, 20_____
Date

Plaintiff signature or Attorney signature
(Attorney must sign if Plaintiff is represented)

COPY: Plaintiff Attorney for plaintiff Defendant Attorney for defendant

ORDER TO APPEAR FOR HEARING ON DAMAGES

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

Plaintiff 1 _____ **Defendant 1** _____
Address _____ Address _____
Address _____ Address _____
City _____ State _____ Zip _____ City _____ State _____ Zip _____
Telephone (_____) _____ Telephone (_____) _____
Email _____ Email _____

Plaintiff 2 _____ **Defendant 2** _____
Address _____ Address _____
Address _____ Address _____
City _____ State _____ Zip _____ City _____ State _____ Zip _____
Telephone (_____) _____ Telephone (_____) _____
Email _____ Email _____

If Plaintiff is represented by an Attorney:

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

ORDER TO APPEAR FOR HEARING ON DAMAGES

TO THE DEFENDANT(S):

You are Ordered to appear in the Tippecanoe Superior Court No. 4 in person (with or without your attorney) on _____ [day], _____ [date], at _____ [time] to hear or to contest (disagree with) this claim for damages and/or other lease violations as claimed by the Plaintiff. If all Defendant(s) do not appear in person and on time, a default judgment may be entered against the absent Defendant(s).

Date _____ Laura W. Zeman, Judge
Tippecanoe Superior Court No. 4

IMPORTANT INFORMATION CONCERNING THIS HEARING

(1) The Plaintiff or the Defendant may represent themselves individually or be represented by an attorney. A Small Claims Manual is available at the offices of the Clerk or Court (or at the website at www.tippecanoe.in.gov). The Plaintiff and Defendant should bring to this hearing all documents, receipts, photographs, videos, exhibits and evidence in their possession or under their control concerning this claim.

If any of your exhibits includes a video recording, you must bring a separate copy of the video on a DVD or other electronic device so the video may be included and maintained in the Court's record. You must also bring a device for playing the video in court.

(2) Once the hearing begins, the hearing will not be continued or rescheduled for either the Plaintiff or the Defendant to bring, retrieve, obtain or find additional documents, receipts, exhibits and evidence, papers and witnesses to support their position.

(See more important information on reverse side)

(3) If the Defendant does not dispute the Plaintiff's claim for damages, the Defendant should still appear to allow the Court to establish the total amount of money owed, if any, including amending any original judgment for past due rent.

(4) The Defendant must file any counterclaim (e.g., for the return of any security deposit or other monies owed to the Defendant by the Plaintiff) with the Clerk to allow enough time for the claim to be mailed to and received by the Plaintiff at least 7 calendar days before the hearing. The Defendant does not waive a possible claim against the Plaintiff by not filing a counterclaim at the same time as the original claim filed by the Plaintiff or now. But the Defendant does waive any amount of the counterclaim over the jurisdictional limit of \$6,000 by filing a counterclaim. Forms are available at the Clerk's and Court's office or on the website.

(5) Any exhibits 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 results in a judgment. You may make arrangements to pick up your evidence with the court reporter any time 45 days after judgment has been entered. If an appeal is filed, those exhibits will remain permanently with the court. You will receive no further notices regarding your evidence.