

## **Verified Motion to Transfer to Plenary Docket or for Jury Trial and Affidavit**

Use this form when:

You are the Defendant (being sued by the Plaintiff) and you either:

- File a Counterclaim or Third Party Claim and the amount of your claim is over \$6000.00
- OR
- You want your case to be heard and decided by a jury of six (6) citizens of the county rather than by the Judge.

In either case, you must pay a \$70.00 fee to transfer the case to the Plenary Docket.

“Verified” means that by signing and submitting this Motion, you swear or affirm under oath and under penalties for perjury that all the answers and information are true and accurate.

**This form has both a Motion and an Order.**

→ You must fully complete the Motion.

→ You must complete only the top half of the Order.

Print and bring both forms to court.

**SCROLL DOWN FOR      Verified Motion to Transfer to Plenary Docket or for Jury Trial and Affidavit**

**VERIFIED MOTION TO TRANSFER TO PLENARY DOCKET or FOR JURY TRIAL and AFFIDAVIT**

**TIPPECANOE SUPERIOR COURT No. 4**

**CAUSE NO. 79D04-\_\_\_\_\_ -SC-\_\_\_\_\_**

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

<b>Plaintiff 1</b> _____	<b>Defendant 1</b> _____
Address _____	Address _____
Address _____	Address _____
City _____ State _____ Zip _____	City _____ State _____ Zip _____
Telephone (_____) _____	Telephone (_____) _____
Email _____	Email _____

<b>Plaintiff 2</b> _____	<b>Defendant 2</b> _____
Address _____	Address _____
Address _____	Address _____
City _____ State _____ Zip _____	City _____ State _____ Zip _____
Telephone (_____) _____	Telephone (_____) _____
Email _____	Email _____

**VERIFIED MOTION TO TRANSFER TO PLENARY DOCKET or FOR JURY TRIAL and AFFIDAVIT  
[Attach Order]**

Comes now Defendant, and requests this claim and any accompanying Counterclaims or Third party Claims be;

Transferred to the Plenary Docket in Superior Court No. 4 as the amount of my Counterclaim or Third Party Claim exceeds the Small Claims jurisdictional limit of \$6000.00 (but I am not requesting a jury trial in this case).

Scheduled for a trial by jury pursuant to Small Claims Rule 4(C) and thus transferred to the Plenary Docket in Superior Court No.4.

I understand that:

1. This Motion must be filed within ten (10) days after I was served the Plaintiff's Notice of Claim. If I do not file this request on time, I understand this request will be denied and I will not be allowed to renew or file this Motion again.
2. I must pay the Clerk a fee of \$70.00 to transfer this claim and any accompanying Counterclaims or Third Party claims to the Plenary Docket if my Motion is granted.
3. If I later decided to withdraw my Request to Transfer to the Plenary Docket, I understand the \$70.00 transfer fee will not be refunded to me. If I later want to withdraw my Request for Jury Trial, I can only do this with the consent of the Plaintiff. Again, I understand the \$70.00 transfer fee will not be refunded to me.
4. Once this claim and any accompanying Counterclaims or Third party Claims are transferred to the Plenary Docket in Superior Court No. 4 (whether for bench trial or for jury trial), the case will lose its status as a Small Claims case and the less formal Small Claims Rules will no longer apply. I understand the Plenary Docket requires strict following of all statutes, laws, trial rules and rules of evidence. While I may still represent myself in a Plenary Docket case, I acknowledge the Court does not recommend that I do so as the Court cannot give me any special consideration or help because I am not an attorney. I understand the Court recommends I hire an attorney.

I swear or affirm under penalties for perjury, as specified in I.C. 35-44-2-1, the information herein is true and accurate to the best of my knowledge and belief and that on the date this Motion was filed, I served a copy of this Motion on the Plaintiff by:

- U.S. Mail (1<sup>st</sup> 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

\_\_\_\_\_  
Signature

**ORDER TRANSFERRING TO PLENARY DOCKET or FOR JURY TRIAL**

**TIPPECANOE SUPERIOR COURT No. 4**

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

**CAUSE NO. 79D04-\_\_\_\_\_ -SC-\_\_\_\_\_**

<b>Plaintiff 1</b> _____	<b>Defendant 1</b> _____
Address _____	Address _____
Address _____	Address _____
City _____ State _____ Zip _____	City _____ State _____ Zip _____
Telephone (_____) _____	Telephone (_____) _____
Email _____	Email _____

<b>Plaintiff 2</b> _____	<b>Defendant 2</b> _____
Address _____	Address _____
Address _____	Address _____
City _____ State _____ Zip _____	City _____ State _____ Zip _____
Telephone (_____) _____	Telephone (_____) _____
Email _____	Email _____

**ORDER TRANSFERRING TO PLENARY DOCKET or FOR JURY TRIAL**

The Court having considered this Motion, now conditionally GRANTS the

- Motion to Transfer to Plenary Docket
- Motion for Jury Trial

The Defendant shall pay the transfer fee of \$70.00 within ten (10) days of the date of this Order. Upon payment of the transfer fee, the Clerk is directed to transfer this claim to the Plenary Docket of Superior Court No. 4 and assign a Plenary Docket cause number. If the transfer fee is not paid within ten (10) days, this Order will be vacated and may not be renewed or filed again.

Upon the Clerk's transfer to the Plenary Docket and assignment of a Plenary Docket cause number, the Court will issue new court appearance dates under the new Plenary Docket cause number.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mathew S. Sandy, Judge  
Tippecanoe Superior Court No. 4

COPY:  Plaintiff  Attorney for plaintiff  Defendant  Attorney for defendant