

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

**TIPPECANOE SUPERIOR COURT No. 7**

Courthouse, 301 Main Street  
Lafayette, Indiana 47901  
Telephone: (765) 269-4030    [www.tippecanoe.in.gov](http://www.tippecanoe.in.gov)

**CAUSE NO. 79D07-\_\_\_\_\_ -EV-\_\_\_\_\_**

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 \_\_\_\_\_

**Plaintiff 2** \_\_\_\_\_  
Address \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Telephone (\_\_\_\_\_) \_\_\_\_\_  
Email \_\_\_\_\_

**Defendant 2** \_\_\_\_\_  
Address \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Telephone (\_\_\_\_\_) \_\_\_\_\_  
Email \_\_\_\_\_

If Plaintiff is represented by an Attorney:

Attorney \_\_\_\_\_  
Attorney No. \_\_\_\_\_  
Address \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Telephone (\_\_\_\_\_) \_\_\_\_\_  
Email \_\_\_\_\_

**MOTION FOR HEARING FOR DAMAGES**  
**[Attached Proposed 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 (1<sup>st</sup> 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 (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

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

COPY:  Plaintiff  Attorney for plaintiff  Defendant  Attorney for defendant

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**CAUSE NO. 79D07-\_\_\_\_\_ -EV-\_\_\_\_\_**

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 \_\_\_\_\_

**Plaintiff 2** \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone (\_\_\_\_\_) \_\_\_\_\_

Email \_\_\_\_\_

**Defendant 2** \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone (\_\_\_\_\_) \_\_\_\_\_

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. 7 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

\_\_\_\_\_  
Daniel J Moore, Judge  
Tippecanoe Superior Court No. 7

**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](http://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.

(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.

**(See more important information on reverse side)**

(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.