STATE OF INDIANA
COUNTY OF HOWARD SS:

IN THE HOWARD SUPERIOR COURT III

34D03 _____

Plaintiff: _____

Plaintiff Phone: _____

Address: _____

_____

VS

Defendant: _____

Address: _____

_____

VERIFIED CLAIM FOR IMMEDIATE POSSESSION OF REAL PROPERTY

Plaintiff(s) affirm under the penalties of perjury that he/she is the owner of, or has a legal interest in, and is entitled to the immediate possession of the following described real property of the approximate fair market value of
$_____, the part occupied by the defendant(s) having a rental value of $_____, per month. **A copy of the lease, if any, must be filed with the Clerk at the time of filing this claim.** The address of the **property located in Howard County is:** _____
(Must be completed to be served by the Howard County Sheriff)

The defendant(s) is in default of the lease and owes rent in the amount of $_____. If no rent is due and owing, then the defendant(s) is in default of the lease for the following reasons: _____

_____

_____

If the property was sold pursuant to a land contract, then this claim MAY NOT be filed in Small Claims Court. DAMAGES, IF ANY, WILL BE DECIDED AT A LATER HEARING.

SIGNATURE OF PLAINTIFF: _____

TO THE DEFENDANT: **NOTICE OF HEARING**

You are hereby ordered to appear at the Howard Superior 3 Courtroom on the first floor of Howard County Courthouse, Kokomo, Indiana, on the _____ day of _____, 20___ at _____AM/PM to Show cause why the plaintiff should not be put in possession of the above described property.You may appear at the hearing in person, file affidavits on your behalf, present testimony on your behalf, and you may file with the Court a written undertaking in an amount and with surety to be approved by the Court in order to stay the delivery of the above-described property in accordance with the law. IF YOU FAIL TO APPEAR A WRIT OF IMMEDIATE POSSESSION MAY BE ENTERED IN FAVOR OF THE PLAINTIFFS.

DATED: _____

_____
JUDGE, HOWARD SUPERIOR III COURT

This order came to hand this _____ day of _____, 20___ served as commanded by reading this to and within the hearing of _____
or served on defendants by _____

DATED: _____

_____
HOWARD COUNTY SHERIFF'S DEPARTMENT

PROCESS FOR EVICTIONS AFTER LIFTING OF COVID19 RESTRICITONS

1. All eviction hearings will be set no earlier than 30 days after filing.
2. The magistrate will preside over the initial eviction hearing in the Howard Superior Court 3 courtroom.
3. No evidence will be presented at the initial eviction hearing:
   a. If the Defendant fails to appear, the magistrate will issue a writ of immediate possession
   b. If the Defendant appears and agrees to vacate, 10-20 days will be given to vacate at the magistrates discretion.
   c. If there is no agreement, the parties shall have the option to attempt to resolve the matter by agreement with the approval of the magistrate.
   d. If either party does not agree to a settlement, then the matter will set for a contested hearing the following week on Tuesday afternoon or Wednesday morning.
   e. All contested hearings will take place before the judge in Howard Superior Court 3.
4. At the contested hearing the court will consider a number of factors in determining whether to evict the Defendant which shall include, but not be limited to, the following:
   a. Whether there a written lease agreement and if the Defendant is in violation of the terms of this agreement.
   b. If there is no written lease agreement and there is no agreement as to the oral terms of the lease, then the lease will likely be deemed to be a month-to-month lease which may typically be terminated by either party upon thirty (30) days' notice.
   c. Whether the Defendant was in violation of the lease agreement on or before the COVID19 restrictions imposed on March 13, 2020.
   d. Whether the Defendant's failure to pay rent related to a job loss as a result of the COVID19 virus.
   e. Payment history.
   f. Defendant's employment status.
   g. Defer the eviction and require the Defendant to begin making payments, which may include partial payments based upon employment history.
   h. Require payments to be made through the clerk's office, a failure of which may result in an eviction.
   i. Any other reasonable and appropriate terms as decided by the court.
5. If the Plaintiff has filed a small claim for damages at the same time as the eviction and the court allows the Defendant to remain upon the property with a requirement to pay rent, the court will continue the damage hearing until such time as the Defendant is ordered to vacate the premises

STATE OF INDIANA)
)SS:
COUNTY OF HOWARD)

HOWARD COUNTY SUPERIOR COURT
DIVISION III
HOWARD COUNTY COURTHOUSE
KOKOMO, INDIANA 46901

_____
Plaintiff

VS.

CAUSE NO.: 34D03-_____

_____
Defendant

VERIFICATION OF OWNERSHIP

The real estate commonly known as

_____.
(Address)

Which is the subject matter of this case is legally owned and titled in the name of

_____.
(Name)

I affirm, under the penalties for perjury, that the foregoing representation is true.

_____
Date

_____
Signature

_____
Printed