

ORDER REGARDING POSSESSION OF RENTAL PROPERTY
IN THE MONROE CIRCUIT COURT X

The parties appear for hearing as follows:

Plaintiff(s) NAMEOFPLAINTIFF ___ In Person ___ By Rep, ___ FTA ___ By Counsel
v.s.
Defendant(s) NAMEOFDEF1 ___ In Person ___ By Rep, ___ FTA ___ By Counsel
NAMEOFDEF2 ___ In Person ___ By Rep, ___ FTA ___ By Counsel

Table with 3 columns: Mediation: The parties attempted mediation, HEPP Legal Services: The Plaintiff(s) / Defendant(s) consulted with a HEPP Attorney, Yes, No.

And the Court makes the following FINDINGS and ORDERS:

- 1. The parties AGREE as stated below and the AGREEMENT(S) are approved.
o MEDIATED AGREEMENT: The parties' written mediated agreement is attached and incorporated.
o VOLUNTARY SURRENDER: Defendant(s) agree(s) to voluntarily surrender possession of the rental premises...
o REMAIN: That if Defendant(s) pays \$... to Plaintiff and perform the following obligation(s)...
o OTHER:
2. Plaintiff (failed to appear / moved to dismiss) and the case is DISMISSED.
3. The Court finds the Defendant(s) is:
o Currently in possession of the rental premises.
o Not currently in possession of the rental premises and the Landlord has possession. Thus no order of eviction is entered.
4. No Proof of Service and the case is dismissed / reset as shown below.
5. Case is RESET for Initial Hearing / Contested Hearing on ___/___/___ at ___:___ am/pm. for ___ min.
6. The Court enters a DEFAULT EVICTION against Defendant(s) / ___ after inquiry of those present under oath per Small Claims Rule 10 that:
o There is a reasonable probability that Defendant received notice;
o Within the knowledge of those present, Defendant is not under legal disability;
o The Plaintiff has met the requirements of S.C. 10(3) as to Defendant's military service; and
o The Plaintiff has a prima facie case.
7. The Court finds for Plaintiff(s). Defendant(s) / ___ is EVICTED and must vacate the rental premises at ___ by ___

___/___/___ at ___:___ am/pm. The Sheriff may enforce this Order on request of Plaintiff(s) at any time from the date of this order through thirty (30) days from the date possession is ordered to be surrendered.

___ 8. Defendant(s) forwarding address: _____.

___ 9. Plaintiff is authorized to accept payment(s) without waiving the right to request an order of possession.

___ 10. Defendant Personal Property

- o Plaintiff has NOT shown that Defendant Personal Property is abandoned and shall store Defendant(s) possessions per I.C. 32-31-4-2.
- o Plaintiff HAS shown that Defendant Personal Property remaining on the rental premises is abandoned.
- o There is not yet enough information for the Court to rule on the disposition of the Defendant Personal Property and thus the issue is reserved for the Damages Hearing (see #10, below). In the interim, the Plaintiff is bound by I.C. 32-31-4-2 and other applicable law.

___ 11. The parties shall appear for a Damages Hearing on _____ at ___:___ am/pm. Parties are directed 1) to bring sufficient copies of any exhibits for all parties and the Court; and 2) to bring or subpoena any necessary witnesses to that hearing. There is not generally an opportunity to submit evidence after the hearing.

___ 12. The Court finds for Defendant(s) and against Plaintiff(s). The Defendant(s) may remain in the unit.

The party signatures below are for AGREEMENTS only:

Plaintiff(s): _____ Defendant(s): _____ Defendant(s): _____

Plaintiff(s): _____ Defendant(s): _____ Defendant(s): _____

SO ORDERED this _____

Judge _____

Distribution: Plaintiff / Court shall serve Defendant a copy of this order as shown below:

- o Email
- o First Class US Mail
- o Given in open court
- o Certified Mail with Return Receipt Requested
- o Delivering a copy to Defendant personally
- o Sheriff Service
- o Leaving a copy at Defendant’s dwelling house or usual place of abode and sending by First Class Mail a copy to the last known address
- o Personal Service per TR 64(a)(2)
- o Other method as provided in TR 4:

PAYMENT INSTRUCTIONS

The Clerk does NOT accept personal checks. Please be sure the cause number from this Order is on your payment or it cannot be properly credited to you. If you have questions about your balance, you may call the Clerk’s office at (812) 349-2614.

By Mail: Please send money order or certified check to:

Monroe County Clerk
PO Box 547-C
Bloomington, IN 47402

In Person: Please bring cash, money order, or certified check to:

Monroe County Clerk
301 N College Avenue, Rm 201
Bloomington, IN 47404

After Hours? Please place Money Order in drop box at top of stairs by entrance to the Justice Building at the above address.

By Phone: Please call

(888) 604-7888
Pay Location Code (PLC): 2245

A 5% fee for service will be added to the amount of fees due if paid by phone.

Online: Please pay by card at:

www.govpaynow.com
Pay Location Code (PLC):
2245

A 3.5% fee for service will be added to the amount of fees due, if paid online.