



In the  
**Indiana Supreme Court**

Cause No. 94S00-1701-MS-5

**Order Amending Indiana Rules for Small Claims**

Under the authority vested in this Court to provide by rule for the procedure employed in all courts of this state and this Court's inherent authority to supervise the administration of all courts of this state, the Indiana Rules for Small Claims are amended as follows (deletions shown by ~~striking~~ and new text shown by underlining):

. . .

**Rule 2. Commencement of action**

. . .

**(B) Form of Notice of Claim.** The notice of claim shall contain:

. . .

(4) A brief statement of the nature and amount of the claim; and

(a) if the claim arises out of written contract, a copy shall be attached; however, the fact that a copy of such contract is not in the custody of the plaintiff shall not bar the filing of the claim; ~~and/or~~

(b) if the claim is on an account, an Affidavit of Debt, in a form substantially similar to Small Claims Appendix A shall be attached; ~~or~~

(c) in addition to the requirements set forth above in subsection 4(a) and (b), if the plaintiff is not the original creditor, and the claim arises from a debt that is primarily for personal, family, or household purposes, the plaintiff shall provide an Affidavit of Debt that shall have attached as one or more Exhibits which shall include:

1) a copy of the contract or other writing evidencing the original debt, which shall contain a signature of the defendant. If a claim is based on credit card or other debt and no such signed writing evidencing the original debt ever existed, then copies of documents generated when the debt was incurred or the credit card was actually used shall be attached; and

2) a chronological listing of the names of all prior owners of the debt and the date of each transfer of ownership of the debt, beginning with the name of the original creditor; and

3) a certified or other properly authenticated copy of the bill of sale or other document that transferred ownership of the debt to the plaintiff.

. . .  
**Rule 15. Method of Keeping Records**

Under the direction of the Supreme Court of Indiana, the Clerk of the Circuit Court may, notwithstanding the recordkeeping practices set forth for small claims proceedings, keep records in any suitable media. The recordkeeping formats and systems and the quality and permanency requirements employed for the Chronological Case Summary, the Case File, and the Record of Judgments and Orders (Order Book) shall be approved by the **Indiana Office of Judicial ~~Division of State Court~~ Administration (IOJA)** for compliance with applicable requirements.

. . .  
**Small Claims Appendix A. Affidavit of Debt**

**AFFIDAVIT OF DEBT**

Comes now affiant, and states:

. . .  
Plaintiff:

is the original owner of this debt, and evidence of the debt, as required in Rules 2(B)(4)(a) and (b), is attached as one or more Exhibits to this Affidavit.

OR

has obtained this debt from \_\_\_\_\_ and the original owner of this debt was \_\_\_\_\_. Evidence of the debt, as required in Rule 2(B)(4)(c), is attached as one or more Exhibits to this Affidavit.

. . .  
These amendments shall take effect January 1, 2018.

Done at Indianapolis, Indiana, on 10/30/2017 .

  
\_\_\_\_\_  
Loretta H. Rush  
Chief Justice of Indiana

All Justices concur.