

**LOCAL RULES**  
**OF THE**  
**SMALL CLAIMS DIVISION**  
**OF ALLEN SUPERIOR COURT---**  
**CIVIL DIVISION**

Adopted Effective January 1, 1988

Including Amendments Received Through November 15, 2006

Rule	
<b><i>LR02-SC01-1</i></b>	Scope
<b><i>LR02-SC00-2</i></b>	General Procedure
<b><i>LR02-SC00-3</i></b>	Forms
<b><i>LR02-AR00-4</i></b>	Hearing Calendars
<b><i>LR02-TR76-5</i></b>	Change of Judge
<b><i>LR02-SC5-6</i></b>	Counterclaims Outside Small Claims Division Jurisdiction
<b><i>LR2-TR53.5-7</i></b>	Continuances
<b><i>LR02-TR41-8</i></b>	Dismissal of Actions
<b><i>LR02-TR60-9</i></b>	Default
<b><i>LR02-TR00-10</i></b>	Attorney Fees
<b><i>LR02-TR00-11</i></b>	Judgments for Payment of Money
<b><i>LR02-SC2-12</i></b>	Judgments for Possession of Real Estate or Personal Property
<b><i>LR02-SC11-13</i></b>	Release of Judgment
<b><i>LR02-TR69-14</i></b>	Proceedings Supplemental
<b><i>LR02-TR69-15</i></b>	Court Orders to Appear
<b><i>LR02-TR00-16</i></b>	Contempt/Rule to Show Cause/Body Attachment
<b><i>LR02-TR69-17</i></b>	Garnishment
<b><i>LR02-TR69-18</i></b>	Post-Judgment Orders to Self-Employed and Other Judgment Debtor(s)
<b><i>LR02-TR70-19</i></b>	Writs
<b><i>LR02-SC00-20</i></b>	Bankruptcy

**LR02-SC01-1      Scope**

- (A)      **Scope.** These rules shall govern the procedure and practice of the Small Claims Division, Allen Superior Court – Civil Division.
- (B)      **Citation.** These rules may be cited as LR02-SC \_\_\_\_\_. The small claims rules promulgated by the Indiana Supreme Court are hereinafter referred to as S.C. \_\_\_\_\_; and the Indiana Rules of Trial Procedure are hereinafter referred to as T.R. \_\_\_\_\_.

*Adopted effective Jan. 1, 1988; Amended effective Jan. 1, 2007.*

**LR02-SC00-2      General Procedure**

- (A)      **Conflict of Rules.** All proceedings in the Allen Superior Court, Small Claims Division shall be governed by the Small Claims Rules promulgated from time to time by the Indiana Supreme Court, and the local rules set forth herein. In instances where these local rules conflict with the rules promulgated by the Indiana Supreme Court, the latter shall control.
- (B)      **Tender of Completed Documents and Proper Costs.** Parties or their attorneys are solely responsible to tender to the Court any documents desired to be filed in complete and correct form, together with proper costs, as determined by the Clerk. Neither the Court nor the Clerk will be responsible for delays or deadlines missed due to the tender of incomplete or incorrect documents, or improper costs.
- (C)      **Entries.** Parties or their attorneys are solely responsible to secure entries on their packets from the law clerk, scheduling clerk, or Judicial Officer on the scheduled date of hearing or other activity. Packets remaining after the scheduled time for hearing or other activity will receive the entry, "No one appears", unless dismissal or judgment LR02-TR41-8 or LR02-TR60-9 is appropriate.
- (D)      **Misplaced Packets.** If parties or their attorneys are unable, after receiving assistance from the Clerk and/or Court, to locate a packet for an entry to be made, said parties or attorneys shall tender the document(s) sought to be filed or make a written record of the entry desired, which shall be initialed and dated for said purpose by any Court employee except the receptionist. No later request for a *nunc pro tunc* or other corrective entry will be considered without such supporting record.

- (E) **Notice Required to Obtain Court's Packets.** The Clerk shall retrieve as many as three (3) packets per party or per attorney per day. Any party or attorney desiring to review more than three (3) packets in one day shall submit to the Clerk a written list of the cause numbers of the packets desired, or a completed Clerk's pull card for each packet desired, in chronological order to the Clerk at least one (1) full business day prior to the date upon which the packets are to be reviewed.
- (F) **Appearance by Husband or Wife.** Except for hearings on proceedings supplemental or by contrary order of the Court, appearance in any cause by a party's spouse shall be considered the appearance of the party upon said spouse's representation on the record that the party and the appearing spouse are currently married and living together.
- (G) **Parties' Current Addresses.** Notices from the Court will be sent to the parties at the most recent addresses contained in the Court's packet. The parties are therefore solely responsible to maintain their current address in all packets concerning them.

*Adopted effective Jan. 1, 1988; Amended effective Jan. 1, 2007.*

**LR02-SC00-3      Forms**

- (A) **Court's Forms.** The Court shall from time to time, and with the consultation of the Clerk, draft forms for use of litigants, the Clerk, and the Court in small claims actions.
- (B) **No Other Forms.** Originals or photocopies of the forms described in LR02-SC00-3 (A) shall be acceptable for filing. Any other form or photocopy thereof presented to the Clerk shall be accepted for filing only if such form receives prior approval of the Judicial Officer and the Civil Division of the Allen Superior Court, and in such instance, blank forms identical to that submitted and approved shall be immediately provided to the Clerk and to the Judicial Officer for future reference and comparison.

*Adopted effective Jan. 1, 1988.    Amended effective Jan. 1, 2007.*

**LR02-AR00-4      Hearing Calendars**

- (A)      **General Procedure.** Upon the filing of the notice of claim, the plaintiff may schedule the first hearing of said claim on the accounts calendar or Judicial Officer's calendar.
- (B)      **Accounts Calendar.** If the notice of claim is set for first hearing on the accounts calendar, no party is expected to be prepared for trial on the merits at the first hearing, and the setting shall serve as an opportunity for the parties to meet and informally resolve their dispute. However, a party's failure to appear for first hearing on the accounts calendar may be cause for entry of default judgment or dismissal against said party.
- (C)      **Judicial Officer's Calendars.** If the notice of claim is set for first hearing on the Judicial Officer's calendar, all parties are expected to be prepared for trial on the merits at the first hearing. The parties are responsible for reserving the appropriate amount of time for trial on the Judicial Officer's calendar.
- (D)      **Change of Calendar.** At the time any continuance is granted, hearing on the cause may be rescheduled to a calendar different than the calendar on which it was originally set. However, if such a calendar change is made, the party making the calendar change shall notify the opposing party of the change.

*Adopted effective Jan. 1, 1988; Amended effective Jan. 1, 2007.*

**LR02-TR76-5      Change of Judge**

- (A)      **General Procedure.** A change of Judicial Officer shall be granted as provided by statute and by the Indiana Rules of Trial Procedure, except that the Judicial Officer of the Small Claims Division may be included on the panel named. The Court shall set a time within which the parties are to strike that does not exceed fourteen (14) days.
- (B)      **Striking.** The party filing the motion shall strike first. After the non-moving party strikes, the remaining judicial officer shall be appointed to hear the case. The case shall then be set on that officer's calendar. If a party fails to strike within the time set, said party shall not be entitled to a change of judge, or shall be subject to the Court's arbitrary assignment of the case to one of the two remaining judicial officers, as appropriate.

*Adopted effective Jan. 1, 1988; Amended effective Jan. 1, 2007*

**LR02-SC5-6 Counterclaims Outside Small Claims Division Jurisdiction**

- (A) **Counterclaims in Excess of the Court's Monetary Jurisdiction.** A defendant who has a counterclaim in excess of the monetary jurisdiction of the Small Claims Division who does not wish to waive the excess of the claim, must file this claim in a timely fashion as a separate action on the plenary docket of the Allen Superior Court, Civil Division, or in any other Court of competent jurisdiction. Either party may then file a motion for consolidation pursuant to T.R. 21(B) in both pending actions.
- (B) **Counterclaims Outside the Court's Subject Matter Jurisdiction.** A defendant who has a counterclaim outside the subject matter jurisdiction of the Small Claims Division must file his claim in a timely fashion as a separate action on the plenary docket of the Allen Superior Court, Civil Division, or in any other Court of competent jurisdiction. Either party may then file a motion for consolidation pursuant to T.R. 21(B) in both pending actions.

*Adopted effective Jan. 1, 1988.*

**LR2-TR53.5-7 Continuances**

- (A) **General Rule.** Except as provided in LR2-TR53.5-7 (B) and (D) below, each party to an action may be granted one (1) continuance of right and without showing good cause. A continuance under this subsection shall not be granted within seven (7) days of the trial, unless approved by a Judicial Officer. All motions for continuances must be made in person or by the party's attorney who has filed a written appearance on behalf of said party. The party or attorney obtaining the continuance shall notify any opposing party in a timely fashion.
- (B) **Possession of Real Estate or Personal Property.** No continuance will be granted to a defendant where the action involves the issue of possession of real estate or personal property, except on good cause shown and upon approval by a Judicial Officer.
- (C) **Agreed Continuance.** Any action may be continued by agreement of the parties.
- (D) **Proceedings Supplemental.** No motion for continuance of a proceedings supplemental hearing will be granted, except by agreement of the parties, or on good cause shown and upon approval by a Judicial Officer.

- (E) **Sanctions for Failure to Notify.** Where notice of a continuance has not been timely given, the Court may assess sanctions which may include, but are not limited to, reasonable attorney's fees, lost wages and other costs for each party and necessary witness appearing due to lack of notice. Motions for sanctions shall be heard as a part of the trial on the merits.

*Adopted effective Jan. 1, 1988; Amended effective Jan. 1, 2007.*

**LR02-TR41-8 Dismissal of Actions**

- (A) **Dismissal by Plaintiff.** Any claim may be dismissed by the plaintiff at any time before judgment has been entered unless a counterclaim or motion for summary judgment has been filed by a defendant.
- (B) **Dismissal by Stipulation.** Any claim may be dismissed by filing a stipulation of dismissal signed by all parties to the claim.
- (C) **Dismissal by Court.** The cause or any pending pleadings in the cause may be dismissed with or without prejudice upon order of the Court, including by way of illustration and not of limitation, as follows:
- (1) the cause has not been reduced to judgment and where there has been no action on the case for a period of sixty (60) days; provided however, that no such cause shall be dismissed without notice and hearing; or
  - (2) a proceedings supplemental pleading has been filed and there is no action on the day on which the proceedings supplemental is set for hearing, or for sixty (60) days thereafter.

*Adopted effective Jan. 1, 1988.*

**LR02-TR60-9 Default**

- (A) **Pre-Judgment Grace Period.** The Court shall permit each party a twenty (20) minute grace period to appear for any prejudgment accounts or trial calendar setting, or for any other matter not pertaining to a proceeding supplemental hearing.
- (B) **Default of Defendant and Default Affidavit.** Upon the failure of a defendant to appear at the initial hearing or at a trial on the merits, the plaintiff(s) shall be entitled to judgment on the merits against said defendant. In addition to any other applicable requirements of Indiana law, the plaintiff or plaintiff's(s') attorney shall sign and file a completed "Affidavit for Judgment by Default" form furnished by the Court.

- (C) **Default of Plaintiff.** Upon the failure of a plaintiff to appear at the initial hearing or at a trial on the merits, the cause shall be dismissed without prejudice and default judgment shall be entered for the defendant against the plaintiff on any timely-filed counterclaim. Upon plaintiff's failure to appear at the initial hearing or at a trial on the merits in a subsequent cause based on the same facts as the cause earlier dismissed without prejudice, said subsequent cause shall be dismissed with prejudice and default judgment shall be entered for the defendant against the plaintiff on any timely-filed counterclaim.
- (D) **Letter Notice for Inadequate Service.** Where a plaintiff has received return of service which discloses less than ten (10) days notice to a defendant of a hearing on the Accounts Calendar or a Trial Calendar, and said defendant fails to appear for said hearing, the plaintiff shall not be entitled to entry of default. If the plaintiff wishes to proceed, the plaintiff shall notify the defendant of a new calendar setting by first class mail to the address at which service was obtained. Such notice is sufficient if said notice is sent and the hearing set so as to comply with T.R. 6 and S.C. 2.
- (E) **Setting Aside Default Judgment.** A default judgment may be set aside according to the procedures set forth in S.C. 10(C) and T.R. 60(B). Forms for this purpose are available from the Court upon request.
- (1) *Expedited Hearing.* An expedited hearing on such a motion to set aside default judgment shall be set on the Judicial Officer's calendar.
- (2) *Stay of Collection Proceedings.* In any cause in which a motion to set aside default judgment has been filed, collection proceedings as to the judgment debtor filing the motion will not be stayed unless a motion to stay such proceedings is filed and granted pursuant to T.R. 62(B).
- (F) **Default on Proceedings Supplemental.** The Court shall permit each party a thirty (30) minute grace period to appear for any proceedings supplemental hearing. After the thirty (30) minute grace period has elapsed:
- (1) a judgment creditor shall be entitled to apply for appropriate proceedings supplemental sanctions; or
- (2) a judgment debtor appearing for the proceedings supplemental hearing shall be entitled to leave without risk of sanction for failure to appear.

A judgment debtor so appearing is entitled to leave without risk of sanction for failure to appear even if the judgment creditor or its attorney is present for the proceedings supplemental hearing, if said judgment debtor has not been called for the proceedings supplemental interview within the grace period. However, a judgment creditor's failure to conduct the proceedings supplemental interview within the grace period shall not bar the judgment creditor from filing a garnishment order against the judgment debtor's wages if appropriate under LR02-TR69-17. For this purpose, the grace period shall begin at the time of the scheduled hearing or trial or at the time the judgment debtor registers with the Court's receptionist, whichever is later.

*Adopted effective Jan. 1, 1988; Amended effective Jan. 1, 2007.*

**LR02-TR00-10      Attorney Fees**

**Evidence Required to Support Award.** The amount of attorney fees awarded shall be within the sound discretion of the Court. No attorney fees shall be awarded unless:

- (1) provided for by written agreement(s) between the parties; or
- (2) according to applicable statute(s) or common law. Proof of such fees shall be in the form of sworn testimony from, or the affidavit of, the attorney(s) whose services are being proved.

*Adopted effective Jan. 1, 1988.*

**LR02-TR00-11      Judgments for Payment of Money**

**In General.** Judgments for payment of money shall be enforceable according to the Indiana Rules of Trial Procedure and applicable statutes.

*Adopted effective Jan. 1, 1988.*



LR02-SC2-12

**Judgments for Possession of Real Estate or Personal Property**

- (A) **Bifurcated Judgment and Expedited Hearing on Possession.** Judgments in actions involving the issue of possession of real estate or personal property shall be bifurcated. The initial hearing on possession issues shall be set in an expedited setting on the Judicial Officer's calendar. A final judgment for possession of the real estate or personal property shall be entered at the initial hearing and a judgment for back rent and/or other damages, if any, shall be entered at a subsequent hearing.
- (B) **Notice to Tenant.** Unless the landlord shall file the pleadings and bond set forth in I.C. § 32-6-1.5-1, *et seq.*, notice to a tenant shall be ten (10) days as required by S.C. 2.
- (C) **Disposition of Tenant's(s') Remaining Personal Property.** If a tenant leaves personal property of value in or about the demised premises under circumstances which reasonably show abandonment of said personal property, the landlord may dispose of said property by:
- (1) removing said property from the premises using reasonable care and storing it in a location reasonably secure from damage of any kind; and
  - (2) immediately notifying tenant by first class mail to tenant's last known address, with a copy thereof retained by the landlord, that the property is so stored, that storage charges (if any, but not to exceed \$3.00 per day) are accruing, and that the property is available to tenant upon reasonable notice to landlord at a reasonable time for a period at least two (2) weeks from the date said letter notice is mailed to tenant. Said notice shall also contain landlord's telephone number, and an address at which, and reasonable time during which, landlord can be contacted during the two (2) week time period.
  - (3) If at the expiration of the two (2) week retrieval period, tenant has not contacted landlord to arrange an imminent and mutually convenient date and time for retrieval of tenant's personal property, landlord may dispose of said property in a reasonable manner, including the destruction of apparently valueless property and the private sale or donation of property of value. Proceeds from any sale and credit for any donation shall first be applied to reduce any accrued storage charges and then to reduce any alleged back rent or damages beyond normal wear and

tear established by the Court.

*Adopted effective Jan. 1, 1988; Amended effective Jan. 1, 2007.*

**LR02-SC11-13      Release of Judgment**

- (A)      **Release of Judgment.** When any judgment has been fully paid and satisfied, including any interest and all costs, and the judgment creditor has received all of said monies or they are available in the Clerk's office, said judgment creditor shall immediately release the judgment against the debtor by personally executing such release on the judgment record of the Clerk, or by causing such release to be filed with the Clerk.
- (B)      **Failure to Release Judgment.** Upon a judgment creditor's failure to release a judgment allegedly fully paid and satisfied, the affected debtor may:
  - (1)      proceed to notify the judgment creditor and file suit for penalties as set forth in I.C. § 32-8-1-2; or
  - (2)      move on the record of the cause in which the judgment was entered to have said judgment deemed satisfied pursuant to T.R. 13(M), upon which motion notice shall issue and hearing shall be held by the Court.
- (C)      **Release of Judgment.** Upon payment in full, including accrued interest, the Clerk shall notify the judgment creditor and shall require him or her to file a Release of Judgment. If the judgment creditor fails to file a Release of Judgment within thirty (30) days of the issuance of the notice, the Clerk shall enter on the Chronological Case Summary that the judgment has been satisfied, the Plaintiff has failed to release judgment pursuant to Court directive, and the Clerk shall enter a Release of Judgment in the judgment docket.

*Adopted effective Jan. 1, 1988; Amended effective Jan. 1, 2007.*

**LR02-TR69-14      Proceedings Supplemental**

- (A)      **General Procedure.** Proceedings supplemental to execution shall be governed by T.R. 69(E) of the Indiana Rules of Trial Procedure and applicable statutes.
- (B)      **Ten Day Rule.** A motion for proceedings supplemental may not be filed until ten (10) calendar days have elapsed since the date of judgment except by order of the Court for good cause shown.

- (C) **One Year Rule.** Except by order of the Court for good cause shown, no proceedings supplemental may pend for more than six (6) months from the date of its filing, and no judgment creditor may file more than four (4) proceedings supplemental per year against any individual judgment debtor in a given cause. At the end of said six (6) month period, any pending proceedings supplemental shall be dismissed.
- (D) **Hearing.** Unless a party specifically requests otherwise and sets the hearing accordingly, all hearings on proceedings supplemental will be set on the accounts calendar.
- (E) **Bank Interrogatories.** Except by order of the Court for good cause shown, judgment creditors may not submit garnishment interrogatories to more than two (2) banking institutions for each hearing on proceedings supplemental.
- (F) **Conduct of Hearings.** Unless the judgment creditor is represented by an attorney at the proceedings supplemental hearing, said hearing shall be conducted by an officer of the Court.
- (G) **Completion of Interview Forms.** At each proceedings supplemental hearing, the attorney or the Court's officer conducting the hearing shall complete and file with the Court a proceedings supplemental interview form provided by the Court based on the judgment debtor's testimony at said hearing. At its completion and prior to its filing, the judgment debtor shall be given the opportunity to review and sign said form in acknowledgment of its accuracy.
- (H) **Proceedings Supplemental During Pendency of Garnishment Order.** If a garnishment order has been issued and remains unsatisfied, additional proceedings supplemental directed to the judgment debtor or to an additional garnishee defendant may be filed only by order of the Court for good cause shown.

*Adopted effective Jan. 1, 1988.*

**LR02-TR69-15 Court Orders to Appear**

- (A) **General Use.** Judgment creditors may request the Court to issue an order to appear (COTA) to judgment debtor(s) only when:
  - (1) an active proceedings supplemental is pending against the judgment debtor;

- (2) the hearing date set for the COTA is within sixty (60) days of the date on which the COTA is issued; and
  - (3) good cause exists for the COTA and is shown on the record at the time the COTA is requested.
- (B) **Good Cause.** "Good cause" under LR02-TR69-15 (A)(3) shall include but not be limited to:
- (1) the judgment debtor failed to produce documents as previously ordered by the Court;
  - (2) the judgment debtor has indicated intended relocation with new address presently unknown;
  - (3) there is a reasonable certainty that the judgment debtor's financial status will substantially change within sixty (60) days.
- (C) **COTAs and Garnishment Orders.** When a garnishment order has issued, no pending COTA will be enforced, and no COTA will issue to the judgment debtor, except by order of the Court for good cause shown.
- (D) **Failure to Appear on COTA.** Upon a judgment debtor's failure to appear on the date and time set by the COTA, the judgment creditor may file contempt proceedings under LR02-TR00-16.
- (E) **Agreements to Appear Without COTA.** In any proceedings supplemental, the parties may agree to reset a hearing without use of a COTA. If after such agreement either party fails to appear at the reset hearing, the underlying proceedings supplemental shall be dismissed and no sanctions shall be available for such failure to appear.

*Adopted effective Jan. 1, 1988; Amended effective Jan. 1, 2007*

**LR02-TR00-16 Contempt/Rule to Show Cause/Body Attachment**

- (A) **Contempt.** Upon failure of a judgment, debtor or garnishee defendant to appear as ordered for a scheduled hearing, the judgment creditor may file a contempt citation as to said person. Said contempt citation must be filed within thirty (30) days of the failure to appear.
- (B) **Body Attachment.** Body attachment shall be requested and issued only when:
- (1) the judgment debtor or garnishee defendant previously ordered to appear for a scheduled hearing was personally served with a contempt citation and failed to appear for the contempt hearing;

- (2) the request for body attachment is filed within thirty (30) days of the contempt hearing at issue; and
- (3) the judgment creditor properly completes and files all pleadings and forms from time to time required by the Court. Said pleadings and forms currently include for each judgment debtor:
  - (a) one (1) Request for Body Attachment;
  - (b) at least three (3) Writs of Attachment which must include a statement setting a bond for release; (The bond amount should be set at the lesser of \$500.00 or the total amount remaining unpaid on the judgment including costs and interest.)
  - (c) and the Warrant Information Card, including the judgment debtor's social security number or date of birth.

*Adopted effective Jan. 1, 1988. Amended Aug. 29, 1997, effective Oct. 1, 1997.*

**LR02-TR69-17      Garnishment**

- (A) **General Procedure.** All garnishment proceedings shall comply with T.R. 69(E) and applicable statutes.
- (B) **Requirements for Garnishment Order to Issue.** A garnishment order shall not issue with respect to a judgment debtor's wage or other property without:
  - (1) an active proceedings supplemental as to the judgment debtor or waiver of notice by said judgment debtor;
  - (2) service on the garnishee-defendant of the proceedings supplemental by
    - (a) certified mail, or refusal thereof,
    - (b) Sheriff's service, or
    - (c) private process server; and
  - (3) return of answered interrogatories, other verification of employment by the garnishee-defendant, or failure to answer interrogatories after notice.
- (C) **Voluntary Garnishments.** In instances where a judgment debtor has entered a voluntary agreement for periodic payments to satisfy judgment and has further consented to garnishment upon default, notwithstanding the terms of the agreement, no garnishment order shall issue unless:

- (1) an active proceeding supplemental is pending against the judgment debtor and the garnishee-defendant;
  - (2) the judgment debtor's employment by said garnishee-defendant has been verified as set forth in LR02-TR69-17 (A) and (B) on the record within three (3) months prior to the date on which judgment creditor requests issuance of the garnishment order; and
  - (3) the judgment creditor represents on the record the default of judgment debtor.
- (D) **Stay.** In instances where a garnishment order has been issued and served on a garnishee-defendant, if the judgment creditor then stays said order, said judgment creditor shall lose any priority over pending but later garnishment orders pertaining to the judgment debtor's wages.
- (E) **Release.** Upon receipt by the judgment creditor or by the Clerk on the judgment creditor's behalf of monies sufficient to fully satisfy the judgment, and accrued interest and costs, the judgment creditor shall immediately obtain a court order releasing the applicable garnishment order and shall forward a copy to the garnishee-defendant(s).

*Adopted effective Jan. 1, 1988; Amended effective Jan. 1, 2007*

**LR02-TR69-18      Post-Judgment Orders to Self-Employed and Other Judgment Debtor(s)**

- (A) **General Procedure.** Post-judgment orders to self-employed and other judgment debtors are available pursuant to T.R. 69(E) and I.C. § 34-1-44-7 upon the filing of a verified motion for proceedings supplemental by the judgment creditor.
- (B) **Hearing Before Judicial Officer.** All motions for a court order requiring the judgment debtor(s) to apply specified or unspecified property towards the satisfaction of the judgment pursuant to T.R. 69(E)(3) or I.C. § 34-1-44-7 shall be set for hearing before the Judicial Officer.

*Adopted effective Jan. 1, 1988; Amended effective Jan. 1, 2007.*

**LR02-TR70-19      Writs**

- (A) **General Procedure.** Writs to enforce the Court's orders or in aid of its jurisdiction are generally available as set forth in T.R. 70(A) and Title 34 of Indiana Code.

- (B) **Writs of Execution for Delivery of Possession of Real Estate.** Except by order of the Court for good cause shown, no writ of execution for delivery of possession of real estate shall issue before one (1) calendar week has expired after entry of the underlying judgment by the Court.

*Adopted effective Jan. 1, 1988.*

**LR02-SC00-20 Bankruptcy**

- (A) **Bankruptcy of Judgment Debtor.** All Court action, including pending collection proceedings, will be stayed as to any judgment debtor:
- (1) who files with the Court in each relevant action one (1) copy of the bankruptcy court's notice of relief; or
  - (2) whose attorney files with the Court in each relevant action a motion for stay reciting the prior filing of bankruptcy by the judgment debtor and resultant stay of all proceedings by the bankruptcy court, including the cause number and court of the bankruptcy.

*Adopted effective Jan. 1, 1988.*