

**APPEARANCE BY A SELF-REPRESENTED LITIGANT IN A CIVIL CASE**

STATE OF INDIANA  
DELAWARE COUNTY

SS:

IN THE DELAWARE CIRCUIT  
COURT NO. \_\_\_\_\_

CAUSE NO. 18C0\_\_\_\_\_

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

v.

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

1. My Name: \_\_\_\_\_

2. My Address: \_\_\_\_\_

3. My telephone number: \_\_\_\_\_

4. My fax number: \_\_\_\_\_

5. My e-mail address: \_\_\_\_\_

6. I will accept service from other parties by:

FAX at the above noted number: Yes \_\_\_\_\_ No \_\_\_\_\_

Email at the above noted address: Yes \_\_\_\_\_ No \_\_\_\_\_

7. This case involves child support issues: Yes \_\_\_\_\_ No \_\_\_\_\_

*(If yes, supply Social Security Numbers for all family members on a separately Attached document filed as confidential information on **light green paper**. Use Form TCM-TR3.1-5.)*

8. There are related cases: Yes \_\_\_\_\_ No \_\_\_\_\_  
(If yes, list in the space following #8.)

**9. You MUST serve this Form and any other pleadings or documents you are filing or will file in this case on all other attorneys (or the other parties, if they are not represented by an attorney.)** This form has been served on all other parties and Certificate of Service is attached:

Yes \_\_\_\_\_ No \_\_\_\_\_

\_\_\_\_\_  
Your Signature

\_\_\_\_\_  
Your Printed Name

**CERTIFICATE OF SERVICE**

I certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I served copy of the foregoing Appearance on \_\_\_\_\_ [here insert Name of Person Served] at the following address: \_\_\_\_\_, by the following method of service: \_\_\_\_\_ [please specify as U.S. Mail, personal service, fax, email, etc.]

\_\_\_\_\_  
Your Signature

STATE OF INDIANA )  
 ) SS:  
COUNTY OF DELAWARE )

IN THE DELAWARE CIRCUIT COURT NO. \_\_\_\_\_

CAUSE NO: 18CO\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone Number & email Plaintiff  
vs

**AFFIDAVIT FOR DELIVERY**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant

Comes now the Plaintiff(s) herein, \_\_\_\_\_, and after being duly sworn upon his/her oath states as follows:

1. That he/she/they is(are) the Plaintiff(s) in the above cause of action and is(are) entitled to the immediate possession of the following personal property: \_\_\_\_\_  
\_\_\_\_\_.
2. That he/she/they is(are) the owner(s) and/or entitled to possession of the above described property.
3. That said described property has not been taken for a tax, assessment or fine, pursuant to statute; or seized under an execution or attachment against the property of the Plaintiff(s); or if so seized that it is, by statute, exempt from such seizure.
4. That the property above described has been wrongfully taken and is unlawfully detained by the Defendant(s).
5. That the estimated value of the above described property is \$ \_\_\_\_\_.
6. That the Plaintiff(s) believe(s) that the Defendant(s) is(are) detaining said property in \_\_\_\_\_ County, Indiana.

\_\_\_\_\_  
Plaintiff's Signature

\_\_\_\_\_  
Printed Name

STATE OF INDIANA            )  
  ) SS:  
COUNTY OF DELAWARE        )

IN THE DELAWARE CIRCUIT COURT NO. \_\_\_\_  
CAUSE NO: 18CO\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone Number & email      Plaintiff  
  vs

**ORDER TO APPEAR**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant

Defendant(s) in the above captioned cause is/are hereby ordered to appear personally before the Judge of said Court, at the Delaware County Justice Center located at 3100 South Tillotson Avenue, Muncie, IN 47302 on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_.M. for the purpose of controverting to Plaintiff(s) Affidavit for delivery, a copy of which is attached, or to otherwise show cause why a pre-judgment Order for Possession should not be issued and the property delivered to Plaintiff(s). You, as Defendant(s), may file affidavits on your behalf with the Court and appear and present testimony in your behalf at the time of the above-stated hearing. You may further file with the Court, a written undertaking to stay delivery of the property to the Plaintiff(s). If you fail to appear at the above-stated hearing, the Plaintiff(s) may be granted a final judgment of possession or damages.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge, \_\_\_\_\_ County

STATE OF INDIANA )  
 ) SS:  
COUNTY OF DELAWARE )

IN THE DELAWARE CIRCUIT COURT NO. \_\_\_\_  
CAUSE NO: 18CO\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone Number & email Plaintiff  
vs

**ACTION IN REPLEVIN**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant

Comes now the Plaintiff(s) in the above cause of action and for his/her/their claim against the Defendant(s) states as follows:

1. That the Plaintiff(s) is(are) the owner of the following described personal property, to wit: \_\_\_\_\_  
\_\_\_\_\_.
2. That the Defendant(s), has(have) wrongfully taken and unlawfully detained from the Plaintiff(s), said described property.
3. The Plaintiff(s) has(have) made demand upon the Defendant(s) for the possession of said personal property and Defendant(s) has(have) refused to deliver same to Plaintiff(s).
4. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
5. Whereof Plaintiff(s) ask(s) judgment of said personal property, the costs of this action, and all other proper relief.

\_\_\_\_\_  
Plaintiff's Signature

Dated: \_\_\_\_\_

\_\_\_\_\_  
Clerk/Deputy Clerk

IN THE DELAWARE CIRCUIT COURT NO. \_\_\_\_ SMALL CLAIMS DIVISION  
DELAWARE COUNTY JUSTICE CENTER  
3100 S. TILLOTSON AVE., MUNCIE, IN 47302

CAUSE NO. 18C0\_\_\_\_ - \_\_\_\_\_

## NOTICE OF CLAIM

\_\_\_\_\_  
Plaintiff(s)

\_\_\_\_\_  
Address

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

\_\_\_\_\_  
Telephone No. & email  
AGAINST

\_\_\_\_\_  
Defendant #1

\_\_\_\_\_  
Address

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

\_\_\_\_\_  
Telephone No.

\_\_\_\_\_  
Defendant #2

\_\_\_\_\_  
Address

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

\_\_\_\_\_  
Telephone No.

**YOU ARE NOTIFIED THAT THE PLAINTIFF(S) HAS FILED A SMALL CLAIMS LAWSUIT AGAINST YOU IN THE AMOUNT OF \$\_\_\_\_\_, TOGETHER WITH COURT COSTS IN THE AMOUNT OF \$\_\_\_\_\_ . A BRIEF STATEMENT OF THE PLAINTIFF'S CLAIM FOLLOWS:**

\_\_\_\_\_  
See attached complaint

\_\_\_\_\_  
Signature: \_\_\_\_\_ Printed Name \_\_\_\_\_

**YOU ARE ADVISED THAT THE ABOVE CLAIM IS SCHEDULED FOR INITIAL TRIAL ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 201\_\_ AT \_\_\_\_\_ .M. IN THE DELAWARE CIRCUIT COURT NO. \_\_\_\_ AT THE ABOVE-LISTED ADDRESS. (\*\*See Additional Information Regarding the Initial Trial on the Reverse Side of this Form)**

Dated: \_\_\_\_\_ Clerk: \_\_\_\_\_

THE FOLLOWING MANNER OF SERVICE IS HEREBY DESIGNATED:

As to Defendant #1:	As to Defendant #2	Additional Defendants:
Certified mail: _____	Certified mail: _____	Certified mail: _____
Personal service: _____	Personal service: _____	Personal mail: _____

IT IS IMPORTANT THAT YOU READ THE REVERSE SIDE OF THIS FORM  
PRIOR TO RESPONDING TO THIS CLAIM

**IMPORTANT INFORMATION ABOUT THIS CLAIM**

**1. EFFECTIVE JULY 1, 2021, THE MAXIMUM AMOUNT THAT CAN BE CLAIMED UNDER A SMALL CLAIMS LAWSUIT IS \$10,000.00. IF THE DEFENDANT WISHES TO FILE A COUNTERCLAIM WHICH ARISES OUT OF THE SAME TRANSACTION AS THIS CLAIM, THIS MUST BE FILED WITH THE CLERK OF THE COURT 10 DAYS PRIOR TO THE INITIAL TRIAL DATE. IF A COUNTERCLAIM IS FILED, THE INITIAL DATE WILL BE VACATED AND A BENCH TRIAL WILL BE SET.**

**2. THE PARTIES MAY APPEAR EITHER IN PERSON OR BY AN ATTORNEY. IT IS NOT MANDATORY THAT EITHER PARTY BE REPRESENTED BY AN ATTORNEY EXCEPT CORPORATIONS IN CERTAIN CASES. EFFECTIVE JANUARY 1, 2022, CORPORATIONS MUST APPEAR BY COUNSEL, OR IN UNASSIGNED CLAIMS NOT EXCEEDING SIX THOUSAND DOLLARS (\$6,000.00), BY FULL TIME EMPLOYEE OF THE CORPORATION DESIGNATED BY THE BOARD OF DIRECTORS. BEFORE A DESIGNATED EMPLOYEE IS ALLOWED TO APPEAR, THE CORPORATION MUST HAVE ON FILE WITH THE COURT A CERTIFICATE OF COMPLIANCE WITH PROVISIONS OF SMALL CLAIMS RULE 8 (C).**

**3. THE PURPOSE OF THE INITIAL TRIAL IS TO ALLOW YOU TO ADMIT OR DENY THE CLAIM OF PLAINTIFF. IF YOU DO NOT INTEND TO DISPUTE THE CLAIM, YOU MAY CHOOSE NOT TO APPEAR FOR THE INITIAL TRIAL; HOWEVER, FAILURE TO APPEAR WILL LIKELY RESULT IN JUDGMENT BEING ENTERED AGAINST YOU IN THE AMOUNT DEMANDED BY THE PLAINTIFF'S CLAIM. IN THE EVENT YOU DENY THIS CLAIM, YOU MAY REQUEST A BENCH TRIAL DATE BY TELEPHONE PRIOR TO THE INITIAL DATE BY CALLING THE COURT DIRECTLY. AT THE TIME OF BENCH TRIAL, YOU MUST BRING WITH YOU THE WITNESSES TESTIFYING ON YOUR BEHALF AS WELL AS ANY RELEVANT DOCUMENTS. CONTACT WITH THE COURT MAY BE MADE AS FOLLOWS: FROM 8:30 A.M. TO 12:00 PM AND 1:00 P.M. TO 4:00 P.M. CIRCUIT COURT NO. 4 - 765-747-7770, CIRCUIT COURT NO. 5 - 765-747-7772.**

**4. IF A SETTLEMENT OF THIS CLAIM IS MADE OUT OF COURT, THE PARTIES MUST SUBMIT AN AGREED JUDGMENT OR A MOTION TO DISMISS.**

**5. THE DEFENDANT MAY REQUEST A TRIAL BY JURY; HOWEVER, THE RIGHT TO A JURY TRIAL WILL BE WAIVED BY THE DEFENDANT UNLESS A JURY TRIAL IS REQUESTED WITHIN 10 DAYS AFTER RECEIPT OF THIS NOTICE OF CLAIM. DEFENDANTS WHO WANT TO HAVE A JURY TRIAL ARE ADVISED TO CONTACT AN ATTORNEY. (SEE INDIANA CODE 33-28-3-7(b))**

**6. INFORMATION CONCERNING SMALL CLAIMS PROCEDURES IS AVAILABLE THROUGH THE WEBSITE MAINTAINED BY THE DELAWARE COUNTY CLERK. THE WEBSITE ADDRESS IS: [www.co.delaware.in.us/clerk](http://www.co.delaware.in.us/clerk). IN ADDITION TO THE WEBSITE, OUR COURT AND CLERK PERSONNEL WILL ANSWER PROCEDURAL QUESTIONS FOR YOU BY PHONE OR IN PERSON. PLEASE BE ADVISED THAT ONLY LICENSED ATTORNEYS MAY DISPENSE LEGAL ADVICE.**

**7. IF YOU HAVE APPEARED FOR A TRIAL AND NO ONE HAS CALLED YOUR NAME WITHIN ONE HOUR OF THE SCHEDULED TIME, CHECK WITH A DEPUTY CLERK AT THE FRONT WINDOW CONCERNING THE STATUS OF YOUR CASE. LEAVING THE PREMISES WITHOUT CHECKING WITH COURT PERSONNEL COULD RESULT IN DEFAULT.**

**RETURN OF SUMMONS BY SHERIFF:**

STATE OF INDIANA )  
 ) SS:  
COUNTY OF DELAWARE )

IN THE DELAWARE CIRCUIT COURT NO. \_\_\_\_  
CAUSE NO: 18CO\_\_\_\_\_

\_\_\_\_\_  
Plaintiff

vs

\_\_\_\_\_

\_\_\_\_\_

Defendant(s)

**ORDER OF REPLEVIN**

Comes now the plaintiff, pro-se, and by representative and without counsel. The defendant(s) appeared in person or failed to appear on \_\_\_\_\_ at \_\_\_\_\_ am/pm, for a hearing on the Action of Replevin.

The Court now finds and Orders as follows to wit:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1. Defendant(s) failed to pay the rental price according to the Rental Purchase Agreement and has failed to return the property.
2. Defendant(s) is/are currently unlawfully detaining from the plaintiff said described property.

IT IS FURTHER CONSIDERED, ORDERED AND DECREED that the plaintiff shall receive assistance from the Muncie Police Department or the Delaware County Sheriff in obtaining said property from the Defendant(s) residence, or wherever the same may be, including \_\_\_\_\_, by any force necessary.

**If the Property is being held by anyone other than the defendant a hearing will be required.**

IT IS FURTHER CONSIDERED, ORDERED AND DECREED that the personal property in the possession of the Defendant(s) shall be returned to the Plaintiff in the same condition that he or she received from the Plaintiff.

IT IS FURTHER CONSIDERED, ORDERED AND DECREED that the Plaintiff is entitled to court costs incurred in this matter.

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Judge, Delaware Circuit Court No. \_\_\_\_\_



**RESOLUTION**

\_\_\_\_\_  
**(Name of Corporation)**

**WHEREAS**, this corporation is duly organized and existing under the laws of the State of \_\_\_\_\_, and admitted to do business in Indiana, and

**WHEREAS**, the corporation anticipates or does have matters which are the subject of litigation in the Small Claims Division, Delaware County, City of Muncie, State of Indiana, and

**WHEREAS**, Indiana Trial Rule SC-8, permits this corporation to appear without legal counsel under certain conditions, it is therefore

**RESOLVED BY THE BOARD OF DIRECTORS:**

In any unassigned claim not exceeding Six Thousand Dollars (\$6,000.00) filed in the Small Claims Division of the County of Delaware, City of Muncie, State of Indiana, this corporation designates and authorizes \_\_\_\_\_, a full-time employee to appear on its behalf and it shall be bound by any and all agreements relating to the small claim proceeding entered into by said designated employee and shall be liable for any and all costs, including those assessed by reason of contempt, levied by a Court against said designated employee.

I hereby certify that the above Resolution was duly passed at a Board of Directors meeting of the above Corporation on the \_\_\_\_\_ day of \_\_\_\_\_.

SECRETARY OF CORPORATION

DATED: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

**AFFIDAVIT OF CORPORATE EMPLOYEE  
TO APPEAR IN COURT UNDER INDIANA TRIAL RULE SC-8**

The undersigned affirms under penalty and perjury that he/she has not been suspended or disbarred from the practice in law in the State of Indiana or any other jurisdiction and is a full-time employee of \_\_\_\_\_, a corporation for which he/she has been designated to appear in the Small Claims Division of the County of Delaware, City of Muncie, State of Indiana, in proceedings as set forth herein above.

DATED: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

**CERTIFICATE OF COMPLIANCE UNDER INDIANA TRIAL RULE SC-8**

It is certified that the foregoing **RESOLUTION** and **AFFIDAVIT OF CORPORATE EMPLOYEE** have been received for filing with the Small Claims Division, County of Delaware, City of Muncie, State of Indiana, on behalf of the within-named corporation.

DATED: \_\_\_\_\_

CLERK, DELAWARE CIRCUIT COURT NO. \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

## **Corporations-Representation in Small Claims Court**

As a general rule, a corporation must appear by counsel. Small Claims Rule 8 provides a limited exception for certain claims. A corporation, whether as a Plaintiff or a Defendant, may be represented by an employee who is not an attorney if the following conditions exist:

- 1) The Claim (for or against the corporation) is not more than the prescribed limit set by Small Claims Rule 8(c) (\$6,000.00); and
- 2) The claim is not an assignment (such as a claim that has been assigned to a collection agency); and
- 3) There is a corporate resolution and employee affidavit on file with the clerk authorizing a full-time employee to represent the corporation. (Most small claims courts provide forms for this purpose.)

## **Sole Proprietors and Partnerships (Unincorporated Businesses)**

As a general rule, an unincorporated business must be represented by the owner of the business or an attorney. Small Claims Rule 8 provides a limited exception for certain claims. A business, operated as a sole proprietorship or partnership, may (whether as a Plaintiff or Defendant) be represented by an employee who is not an attorney if the following conditions exist:

- 1) The claim (for or against the business) is not more than the prescribed limit set by Small Claims Rule 8 (c) (\$6,000.00); and
- 2) The claim is not an assignment (such as a claim that has been assigned to a collection agency); and
- 3) The business has on file with the clerk an employee affidavit and certificate of compliance designating a full-time employee to represent the business. (The Small Claims Court may have forms available for this purpose.)

The following situations are **NOT** permissible:

- 1) If the claim involves a corporation and it is less than the prescribed limit, an employee NOT authorized by resolution attempts to represent the corporation.
- 2) If the claim involves a business operated as a sole proprietorship or partnership and it is less than the prescribed limit, an employee NOT authorized by the certificate of compliance attempts to represent the business entity.
- 3) If the claim involves a corporation and it is greater than the prescribed limit, a non-attorney attempts to represent the corporation.
- 4) If the claim involves a business operated as sole proprietorship or partnership and it is greater than the prescribed limit, an employee who is NOT an owner attempts to represent the business. (In such cases, the owner or an attorney must represent the business.)
- 5) A person with only a power of attorney to act on behalf of any individual, business, or corporation, attempts to represent the individual, business, or corporation in court.

**NOTE:** Assigned claims (collection agencies) must have an attorney regardless of the amount of the claim.

**AFFIDAVIT**

**(Name of Business, Sole Proprietorship or Partnership)**

**THE** above Business, Sole Proprietorship or Partnership, anticipates or does have matters which are the subject of litigation in the Small Claims Division, Delaware County, City of Muncie, State of Indiana, and

**THE** Indiana Trial Rule SC-8, permits this Business, Sole Proprietorship or Partnership to appear without legal counsel under certain conditions.

In any unassigned claim not exceeding Six Thousand Dollars (\$6,000.00) filed in the Small Claims Division of the County of Delaware, City of Muncie, State of Indiana, this Business, Sole Proprietorship or Partnership, I/We designate and authorize \_\_\_\_\_, a full-time employee to appear on its behalf and it shall be bound by any and all agreements relating to the small claim proceeding entered into by the designated employee and I/We shall be liable for any and all costs, including those assessed by reason of contempt, levied by a Court against the designated employee.

DATED: \_\_\_\_\_

OWNER(S) OF ABOVE BUSINESS, SOLE PROPRIETORSHIP OR PARTNERSHIP

\_\_\_\_\_

Signature(s)

\_\_\_\_\_

Printed Name(s)

**AFFIDAVIT OF BUSINESS, SOLE PROPRIETORSHIP OR PARTNERSHIP  
EMPLOYEE TO APPEAR IN COURT UNDER INDIANA TRIAL RULE SC-8**

The undersigned affirms under penalty and perjury that he/she has not been suspended or disbarred from the practice in law in the State of Indiana or any other jurisdiction and is a full-time employee of \_\_\_\_\_, a Business, Sole Proprietorship or Partnership for which he/she has been designated to appear in the Small Claims Division of the County of Delaware, City of Muncie, State of Indiana, in proceedings as set forth herein above.

DATED: \_\_\_\_\_

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Printed Name)

**CERTIFICATE OF COMPLIANCE UNDER INDIANA TRIAL RULE SC-8**

It is certified that the foregoing **AFFIDAVIT** and **AFFIDAVIT OF FULL TIME EMPLOYEE** have been received for filing with the Small Claims Division, County of Delaware, City of Muncie, State of Indiana, on behalf of the within-named business.

DATED: \_\_\_\_\_

CLERK, DELAWARE CIRCUIT COURT NO. \_\_\_\_\_

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

## **Corporations-Representation in Small Claims Court**

As a general rule, a corporation must appear by counsel. Small Claims Rule 8 provides a limited exception for certain claims. A corporation, whether as a Plaintiff or a Defendant, may be represented by an employee who is not an attorney if the following conditions exist:

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- 2) The claim is not an assignment (such as a claim that has been assigned to a collection agency); and
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- 2) The claim is not an assignment (such as a claim that has been assigned to a collection agency); and
- 3) The business has on file with the clerk an employee affidavit and certificate of compliance designating a full-time employee to represent the business. (The Small Claims Court may have forms available for this purpose.)

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- 1) If the claim involves a corporation and it is less than the prescribed limit, an employee NOT authorized by resolution attempts to represent the corporation.
- 2) If the claim involves a business operated as a sole proprietorship or partnership and it is less than the prescribed limit, an employee NOT authorized by the certificate of compliance attempts to represent the business entity.
- 3) If the claim involves a corporation and it is greater than the prescribed limit, a non-attorney attempts to represent the corporation.
- 4) If the claim involves a business operated as sole proprietorship or partnership and it is greater than the prescribed limit, an employee who is NOT an owner attempts to represent the business. (In such cases, the owner or an attorney must represent the business.)
- 5) A person with only a power of attorney to act on behalf of any individual, business, or corporation, attempts to represent the individual, business, or corporation in court.

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