

**IC 33-35**

**ARTICLE 35. CITY AND TOWN COURTS**

**IC 33-35-1**

**Chapter 1. Establishment; Election of Judges**

**IC 33-35-1-1**

**Authority to establish or abolish; election of judge; notice**

Sec. 1. (a) During 2006 and every fourth year after that, a second or third class city or a town may by ordinance establish or abolish a city or town court. An ordinance to establish a city or town court must be adopted not less than one (1) year before the judge's term would begin under section 3 of this chapter.

(b) The judge for a court established under subsection (a) shall be elected under IC 3-10-6 or IC 3-10-7 at the municipal election in November 2007 and every four (4) years thereafter.

(c) A court established under subsection (a) comes into existence on January 1 of the year following the year in which a judge is elected to serve in that court.

(d) A city or town court in existence on January 1, 1986, may continue in operation until it is abolished by ordinance.

(e) A city or town that establishes or abolishes a court under this section shall give notice of its action to the division of state court administration of the office of judicial administration under IC 33-24-6.

*As added by P.L.98-2004, SEC.14. Amended by P.L.164-2006, SEC.141.*

**IC 33-35-1-2**

**Town court judge election in general election year; ordinance**

Sec. 2. (a) This section applies to a town that:

- (1) adopts an ordinance under IC 3-10-6-2.6; and
- (2) subsequently adopts an ordinance to establish a town court under section 1 of this chapter.

(b) Notwithstanding section 1 of this chapter, the judge of the town court shall be elected at the next municipal election not conducted in a general election year. The successors of the judge shall be elected at the first general election following the municipal election and every four (4) years thereafter.

*As added by P.L.98-2004, SEC.14.*

**IC 33-35-1-3**

**City or town court judge; term; bond**

Sec. 3. (a) The judge of a city or town court shall be elected under IC 3-10-6 or IC 3-10-7 by the voters of the city or town.

(b) Except as provided in subsections (c) and (d), the term of office of a judge elected under this section is four (4) years, beginning at noon January 1 after election and continuing until a successor is elected and qualified.

(c) This subsection applies to a town that adopts an ordinance

under IC 3-10-6-2.6. The term of office of:

- (1) a judge elected at the next municipal election not conducted in a general election year is one (1) year; and
- (2) the successors to the judge described in subdivision (1) is four (4) years;

beginning at noon January 1 after election and continuing until a successor is elected and qualified.

(d) This subsection applies to a town that adopts an ordinance under IC 3-10-7-2.7. The term of office of:

- (1) a judge elected at the next municipal election not conducted in a general election year is three (3) years; and
- (2) the successors to the judge described in subdivision (1) is four (4) years;

beginning noon January 1 after election and continuing until a successor is elected and qualified.

(e) Before beginning the duties of office, the judge shall, in the manner prescribed by IC 5-4-1, execute a bond conditioned upon the faithful discharge of the duties of office.

*As added by P.L.98-2004, SEC.14.*

#### **IC 33-35-1-4**

##### **City court judge; eligibility**

Sec. 4. To be eligible to hold the office of city court judge, as provided by Article 6, Section 6, of the Constitution of the State of Indiana, the judge must be a resident of the city during the term of office or the office becomes vacant.

*As added by P.L.98-2004, SEC.14.*

#### **IC 33-35-1-5**

##### **Town court judge; oath; bond**

Sec. 5. Before beginning the duties of office, the judge of a town court must:

- (1) take and subscribe to the same oath of office as judges of circuit courts; and
- (2) execute a bond payable to the town in the penal sum of five thousand dollars (\$5,000), conditioned upon the faithful performance of the duties of the judge's office with good and sufficient surety.

The bond must be approved by the legislative body of the town and filed in the office of the town clerk-treasurer.

*As added by P.L.98-2004, SEC.14.*

#### **IC 33-35-1-6**

##### **Interlocal agreements; ordinance violations**

Sec. 6. A city or town that has not established a court under this chapter may enter into an interlocal agreement under IC 36-1-7 with a city or town that:

- (1) has established a court under this chapter; and
- (2) is located in the same judicial circuit as the city or town that has not established a court;

to hear and dispose of ordinance violations that would otherwise come under the jurisdiction of a court established by the city or town under this chapter.

*As added by P.L.55-2010, SEC.1.*

## **IC 33-35-2**

### **Chapter 2. Judge's Powers and Jurisdiction**

#### **IC 33-35-2-1**

##### **Judge of city or town court; powers and duties; special judge**

Sec. 1. (a) A judge of a city or town court:

- (1) may adopt rules for conducting the business of the court;
- (2) has all powers incident to a court of record in relation to:
  - (A) the attendance of witnesses;
  - (B) the punishment of contempts;
  - (C) the enforcement of its orders; and
  - (D) the issuance of commissions for taking depositions in cases pending in the court;
- (3) may administer oaths; and
- (4) may give all necessary certificates for the authentication of the records and proceedings of the court.

(b) If the judge is temporarily absent or unable to act, the judge shall appoint a reputable practicing attorney to preside in the judge's absence as special judge. The special judge:

- (1) has all the powers and rights; and
- (2) shall perform all the duties;

of the judge of the court as fully as the regular judge appointing the special judge.

*As added by P.L.98-2004, SEC.14.*

#### **IC 33-35-2-2**

##### **Town and city courts; seal**

Sec. 2. A judge of a city or town court shall provide, at the expense of the town or city, a seal for the court that must contain on the face the words: "(Town or City) Court of \_\_\_\_\_, Indiana.". A description of the seal, together with an impress of it, shall be put on the records of the court.

*As added by P.L.98-2004, SEC.14.*

#### **IC 33-35-2-3**

##### **City court; jurisdiction over crimes, infractions, and violations**

Sec. 3. A city court has the following jurisdiction over crimes, infractions, and ordinance violations:

- (1) Jurisdiction of all violations of the ordinances of the city.
- (2) Jurisdiction of all misdemeanors and all infractions.
- (3) If the city that established the city court has entered into an interlocal agreement described in IC 33-35-1-6 with another city or a town, jurisdiction of all other ordinance violations described in the interlocal agreement.

*As added by P.L.98-2004, SEC.14. Amended by P.L.55-2010, SEC.2.*

#### **IC 33-35-2-4**

##### **City court; concurrent civil jurisdiction; limitations**

Sec. 4. A city court has concurrent jurisdiction with the circuit court in civil cases in which the amount in controversy does not

exceed five hundred dollars (\$500). However, the city court does not have jurisdiction in actions for:

- (1) slander;
- (2) libel;
- (3) foreclosure of mortgage on real estate, in which the title to real estate is in issue;
- (4) matters relating to a decedent's estate, appointment of guardians, and all related matters; and
- (5) actions in equity.

*As added by P.L.98-2004, SEC.14.*

### **IC 33-35-2-5**

#### **Certain city or town courts; concurrent jurisdictions; limitations**

Sec. 5. The city court of each of the four (4) cities having the largest populations and the town court of the town having the largest population in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) have concurrent civil jurisdiction with the circuit court of the county where the amount in controversy does not exceed three thousand dollars (\$3,000). The court has jurisdiction in any action where the parties or the subject matter are in the county in which the city or town is located. However, the city or town court does not have jurisdiction in:

- (1) actions for slander or libel;
- (2) matters relating to decedents' estates, appointment of guardians, and all related matters;
- (3) dissolution of marriage actions; or
- (4) injunction or mandate actions.

*As added by P.L.98-2004, SEC.14.*

### **IC 33-35-2-6**

#### **City courts in third class cities that are not county seats; civil jurisdiction; limitations**

Sec. 6. A city court in a third class city that is not a county seat and to which section 5 of this chapter does not apply has concurrent jurisdiction with the circuit court in civil cases in which the amount in controversy does not exceed three thousand dollars (\$3,000).

However, the city court does not have:

- (1) jurisdiction in actions for:
  - (A) slander;
  - (B) libel;
  - (C) foreclosure of mortgages on real estate, in which the title to real estate is in issue;
  - (D) all matters relating to a decedent's estate, appointment of guardians and all related matters; and
  - (E) actions in equity; and
- (2) original jurisdiction in which the principal defendant resides within another city having a city court with a civil jurisdiction.

Judgments rendered in the city court, when a certified transcript is filed with the clerk of the circuit court, have the same force as

judgments rendered in the circuit court.  
*As added by P.L.98-2004, SEC.14.*

### **IC 33-35-2-6.5**

#### **Certain city courts; concurrent civil jurisdiction; limitations**

Sec. 6.5. A city court in a city having a population of more than ten thousand five hundred (10,500) but less than eleven thousand (11,000) has concurrent jurisdiction with the circuit court in civil cases in which the amount in controversy does not exceed one thousand five hundred dollars (\$1,500). However, the city court does not have jurisdiction in actions for:

- (1) slander;
- (2) libel;
- (3) foreclosure of mortgage on real estate, in which the title to real estate is in issue;
- (4) matters relating to a decedent's estate, appointment of guardians, and all related matters; and
- (5) actions in equity

*As added by P.L.74-2012, SEC.4.*

### **IC 33-35-2-7**

#### **Proceedings where title to land is put in issue**

Sec. 7. If in a proceeding in a city court the title to land is put in issue by plea supported by affidavit, or manifestly appears from the proof on trial to be in issue, the court shall, without further proceeding, certify the case and papers to the circuit or other court having jurisdiction in the county in which the case is being tried. However, if the title to land is put in issue by affidavit or verified pleading, the court shall at once hear and determine whether title is in issue, and, if the proof supports the issue, then the case shall be certified for final determination, including the issue of title.

*As added by P.L.98-2004, SEC.14.*

### **IC 33-35-2-8**

#### **Town courts; jurisdiction**

Sec. 8. (a) A town court has exclusive jurisdiction of all violations of the ordinances of the town.

(b) A town court also has jurisdiction of all misdemeanors and all infractions.

(c) If the town that established the town court has entered into an interlocal agreement described in IC 33-35-1-6 with a city or another town, the town court has jurisdiction of all other ordinance violations described in the interlocal agreement.

*As added by P.L.98-2004, SEC.14. Amended by P.L.55-2010, SEC.3.*

## **IC 33-35-3**

### **Chapter 3. Personnel; Expenses; Costs**

#### **IC 33-35-3-1**

##### **City court officers; town court officers**

Sec. 1. (a) The officers of a city court are a:

- (1) judge;
- (2) clerk; and
- (3) bailiff.

However, in third class cities, the judge may act as clerk and perform all duties of the clerk of the court or appoint a clerk of the court. If the judge does not act as clerk of the court or appoint a clerk of the court, the city clerk-treasurer elected under IC 3-10-6 shall perform the duties of the clerk of the city court.

(b) The clerk is an officer of a town court. The judge of a town court may act as clerk and perform all duties of the clerk of the court or appoint a clerk of the court. If the judge does not act as a clerk of the court or appoint a clerk of the court, the town clerk-treasurer elected under IC 3-10-6 or IC 3-10-7 shall perform the duties of the clerk of the town court.

(c) The clerk and bailiff may not receive any fees or compensation other than their salaries.

*As added by P.L.98-2004, SEC.14.*

#### **IC 33-35-3-2**

##### **Clerk of city court in second or third class cities; powers and duties**

Sec. 2. (a) In second class cities, the city clerk is the clerk of the city court. The city clerk of a third class city is the clerk of the city court if the judge does not serve as clerk or appoint a clerk under section 1 of this chapter.

(b) A city clerk of a second class city, a city clerk-treasurer of a third class city, or an appointed clerk in a third class city who serves as the clerk of the city court shall give bond as prescribed in this chapter.

(c) The clerk may administer oaths.

(d) The clerk of a city or town court shall:

- (1) issue all process of the court, affix the seal of the court to the process, and attest to the process;
- (2) keep a complete record and docket of all cases showing:
  - (A) the name of a person who was arrested and brought before the court;
  - (B) the disposition of the case; and
  - (C) an account of the:
    - (i) fees;
    - (ii) fines;
    - (iii) penalties;
    - (iv) forfeitures;
    - (v) judgments;
    - (vi) executions;
    - (vii) decrees; and

(viii) orders;

in as near to the same manner as the records are kept by the clerk of the circuit court; and

(3) collect all:

(A) fees;

(B) fines;

(C) penalties and forfeitures;

(D) judgments;

(E) executions; and

(F) money;

accruing to the city or town from the enforcement of ordinances.

(e) At the close of each week, the clerk shall make and deliver to the city controller of a second class city, clerk-treasurer of a third class city, or clerk-treasurer of a town a written report of all cases in which the clerk has received or collected any fines or forfeitures due the city or town. The clerk shall then pay over the money to the controller or clerk-treasurer and take a receipt for the payment.

(f) At the end of each month, the clerk shall make out and deliver to the county treasurer of the county in which the city or town is located a written report of all cases in which the clerk has received or collected any fines or forfeitures due the state during the month and pay to the county treasurer all fines or forfeitures collected, taking a receipt for the payment.

(g) In cities in which the county treasurer rather than the city controller receives city money for deposit, the clerk shall report and deliver the money to the county treasurer.

(h) The clerk shall deposit all court costs collected by the clerk in accordance with IC 33-37-7-12. The clerk shall distribute the state and county share of court costs collected in accordance with IC 33-37-7-8.

*As added by P.L.98-2004, SEC.14. Amended by P.L.1-2006, SEC.506.*

### **IC 33-35-3-3**

#### **Bailiff of city courts**

Sec. 3. (a) The bailiff of a city court must be a police officer of the city assigned to the court by the chief of police, under direction of the board of public safety. However, the judge of the city court may appoint another person to serve as bailiff.

(b) The bailiff shall give bond payable to the city in the penal sum of one thousand dollars (\$1,000), with surety to be approved by the mayor, conditioned on the faithful and honest discharge of the bailiff's duties. The bond shall be filed in the office of the controller or clerk-treasurer.

(c) The bailiff shall do the following:

(1) Be present at the sessions of the court, maintaining order and performing all other duties subject to the order of the court.

(2) Take charge of all executions issued by the court and see to the collection of the executions.

(3) Keep, in books to be furnished by the controller or

clerk-treasurer, an accurate account and docket of all executions that come into the bailiff's hands, showing the:

- (A) names of the defendants;
- (B) date and number of the execution;
- (C) amount of fines, fees, or penalties imposed; and
- (D) disposition of the execution.

(4) Make and deliver a written report to the clerk of the court on Tuesday of each week, showing all money collected by the bailiff during the previous week, giving the:

- (A) names of the defendants;
- (B) number of executions; and
- (C) amount of fines, fees, or penalties collected;

and pay the money to the clerk, taking the clerk's receipt for the payments.

(d) The salary of the bailiff shall be fixed as salaries of other police officers are fixed.

(e) The bailiff of a city court of the three (3) cities having the largest populations in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) shall be appointed by the judge of the court. The bailiff shall serve and execute all processes issued by the court and is entitled to receive a salary fixed by the common council of the city. In addition, the bailiff may collect a fee from a defendant for the bailiff's own use on all execution sales of property under an execution or attachment as follows:

- (1) On the first fifty dollars (\$50), ten percent (10%).
- (2) On more than fifty dollars (\$50) and not more than three hundred dollars (\$300), five percent (5%).
- (3) On all sums over three hundred dollars (\$300), three percent (3%).
- (4) Any additional sum necessarily expended by the bailiff in collecting the judgment.

A bailiff may use the bailiff's private vehicle in the performance of the bailiff's duties and is entitled to receive a sum for mileage equal to the sum paid per mile to state officers and employees. The payment to the bailiff is subject to the approval of the judge. The judge shall include in the budget for the court sufficient money to provide for the anticipated claims of the bailiff. The common council shall make annual appropriations that are necessary to carry out this subsection.

*As added by P.L.98-2004, SEC.14.*

#### **IC 33-35-3-4**

##### **Town marshal; service of process**

Sec. 4. The town marshal or a deputy marshal shall serve all process issuing from the town court.

*As added by P.L.98-2004, SEC.14.*

#### **IC 33-35-3-5**

##### **City court referees**

Sec. 5. (a) The common council of a city having a city court may create the position of city court referee to assist the city court judge in the administration of the judge's duties and the disposition of matters pending in the court. The common council may authorize more than one (1) referee. After authorization is granted, the judge shall appoint one (1) or more referees. The referee or referees serve at the pleasure of the judge.

(b) A referee shall take the same oath of office as provided for the judge and must have the same qualifications for office as required for the judge. A referee may administer oaths in the performance of the referee's duty and use the seal of the court. In all cases coming before the referee, the referee shall comply with the requirements of procedure provided for the hearing of cases by the court. The referee shall make a return of the referee's findings and recommendations in writing to the court, and the court shall proceed to enter the order, judgment, or decree that the court considers proper.

(c) The salary of a referee shall be fixed by the judge subject to the approval of the common council of the city. The common council shall appropriate sufficient money to pay the referee.

*As added by P.L.98-2004, SEC.14.*

#### **IC 33-35-3-6**

##### **Prosecuting attorney or city attorney; prosecutions in city court**

Sec. 6. (a) The prosecuting attorney of the judicial circuit in which the city is located shall prosecute all cases in a city court for violation of statutes.

(b) The city attorney shall prosecute all cases of city ordinance violations.

*As added by P.L.98-2004, SEC.14.*

#### **IC 33-35-3-7**

##### **Books, dockets, papers, and printed blanks**

Sec. 7. A judge of a city or town court shall provide, at the expense of the city or town, all books, dockets, papers, and printed blanks necessary for the discharge of the duties of the court.

*As added by P.L.98-2004, SEC.14.*

#### **IC 33-35-3-8**

##### **Repealed**

*(Repealed by P.L.1-2007, SEC.248.)*

#### **IC 33-35-3-9**

##### **City courts in certain counties; disposition of costs; costs paid in advance**

Sec. 9. (a) This section applies after June 30, 2005.

(b) A clerk of a city court in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) shall deposit all court costs collected by the clerk in accordance with IC 33-37-7-12. The fees received by the controller from the clerk shall be paid into the city treasury at the time of the

semiannual settlement for city revenue.

(c) If the party instituting an action or a proceeding recovers judgment, the judgment must also include as costs an amount equal to the small claims costs fee, the small claims garnishee service fee, and the small claims service fee prescribed under IC 33-37-4-5 (before its repeal) or IC 33-37-4-6.

(d) Money paid in advance for costs remaining unexpended at the time a civil action or proceeding is terminated, whether by reason of Small claims costs fee, small claims service fee, and additional fees dismissal or otherwise, must be returned to the party or parties making payment. However, this section does not apply to civil actions or proceedings instituted by or on behalf of the state or any of the state's political subdivisions.

*As added by P.L.98-2004, SEC.14. Amended by P.L.174-2006, SEC.10; P.L.1-2007, SEC.220.*

## **IC 33-35-4**

### **Chapter 4. Court Sessions; Compensation; Restrictions on Activities of Judges**

#### **IC 33-35-4-1**

##### **City and town court; sessions**

Sec. 1. (a) A city court judge shall hold regular sessions of the city court at a place to be provided and designated by the legislative body of the city.

(b) A town court judge shall hold sessions of the town court as the business of the court demands at a place to be provided and designated by the legislative body of the town.

*As added by P.L.98-2004, SEC.14.*

#### **IC 33-35-4-2**

##### **Compensation of judges**

Sec. 2. (a) Special judges of a city court are entitled to the compensation allowed special judges in the circuit court, to be paid out of the city treasury on the certificate of the regular judge and the warrant of the city controller or clerk-treasurer.

(b) A city court judge may not receive any fees or compensation other than the judge's salary, as established under subsection (e).

(c) A city court judge of each of the three (3) cities having the largest populations in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) is entitled to receive, for additional services that this article requires to be performed, three thousand five hundred dollars (\$3,500) per year in addition to the salary otherwise provided. The fiscal body of the city shall appropriate the money necessary to pay the additional compensation.

(d) A town court judge is entitled to receive the compensation that is prescribed by the fiscal body of the town.

(e) A city court judge is entitled to receive compensation that is prescribed by the fiscal body of the city.

*As added by P.L.98-2004, SEC.14.*

#### **IC 33-35-4-3**

##### **Proceeding to procure liquor license; city court judge not to act as attorney for applicant; violation; offense**

Sec. 3. A city court judge may not act as attorney, agent, or counsel for the applicant in a proceeding to procure a license to retail or wholesale intoxicating liquors under IC 7.1 or aid or assist in any manner in the procuring of such a license. A person who recklessly violates this section commits a Class B misdemeanor.

*As added by P.L.98-2004, SEC.14.*

## **IC 33-35-5**

### **Chapter 5. Records; Procedures; Practices**

#### **IC 33-35-5-1**

##### **City court; governing laws and rules**

Sec. 1. City courts are governed by the laws and rules governing the practice, pleading, and processes in circuit courts.

*As added by P.L.98-2004, SEC.14.*

#### **IC 33-35-5-2**

##### **City or town court; change of venue**

Sec. 2. A change of venue may not be taken from a city or town court. However, a defendant may take a change of venue from the judge of the court, with a special judge appointed as provided for the circuit court.

*As added by P.L.98-2004, SEC.14.*

#### **IC 33-35-5-3**

##### **City court; warrants or other processes**

Sec. 3. All warrants or other processes issued by the city court must be:

- (1) directed to the chief of police of the city or any person specially deputized by the city court; and
- (2) executed, served, and returned by the chief, by any police officer of the city, or by the specially deputized person.

The members of the police force of the city shall cause all persons arrested by the police force for a violation of any law to be taken before the city court for trial or examination.

*As added by P.L.98-2004, SEC.14.*

#### **IC 33-35-5-4**

##### **Certain city courts; books of records in civil cases**

Sec. 4. (a) City courts of the three (3) cities having the largest populations in counties having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) shall keep the following books of record on the civil side of the court:

- (1) A loose leaf minute book, similar to that kept by the circuit court, each case to be numbered consecutively in order of its filing.
- (2) Index and cross-index book, containing the names of all parties to each action with the number of the case opposite the name.
- (3) A fee book as is provided for city courts.
- (4) An order book in which all orders of a cause are written consecutively when final judgment or order is entered.

(b) The case should bear the same number as originally given to the case when filed and must be arranged in the order book consecutively according to the original number given to the case when filed. All orders, proceedings, records of issuing execution,

returns of execution, and satisfactions of execution shall be grouped together, if practical, on one (1) page or on consecutive pages when there is not sufficient room to group it on one (1) page. All costs in a cause shall be taxed on the margin of the page containing the final order or judgment. All orders not connected with a specific case, such as general appointments made by the judge, shall be entered in the minute book under a separate number and recorded in the record book under that number.

*As added by P.L.98-2004, SEC.14.*

#### **IC 33-35-5-5**

##### **City court; issues of fact to be tried by judge unless demand for jury trial**

Sec. 5. All issues of fact pending in city courts shall be tried by the judge, unless either party demands a jury trial. The jury must consist of six (6) qualified residents of the city, to be summoned by the bailiff by venire issued by the judge. City residents shall be selected for jury service according to the procedures set out in IC 33-28-5.

*As added by P.L.98-2004, SEC.14. Amended by P.L.118-2007, SEC.25.*

#### **IC 33-35-5-6**

##### **Style of city or town court**

Sec. 6. The style of the city or town court is "The (City or Town) Court of \_\_\_\_\_," according to the name of the city or town.

*As added by P.L.98-2004, SEC.14.*

#### **IC 33-35-5-7**

##### **Courts not of record; judges; requirements**

Sec. 7. (a) A city court is not a court of record.

(b) A town court is not a court of record.

(c) A person selected as judge of the following courts must be an attorney in good standing under the requirements of the supreme court:

- (1) Anderson city court.
- (2) Avon town court.
- (3) Brownsburg town court.
- (4) Carmel city court.
- (5) A city or town court located in Lake County.
- (6) Muncie city court.
- (7) Noblesville city court.
- (8) Plainfield town court.
- (9) Greenwood city court.
- (10) Martinsville city court.

*As added by P.L.98-2004, SEC.14.*

#### **IC 33-35-5-8**

##### **Effect of judgments, orders, and proceedings in town and city courts; orders of sale and executions affecting real estate**

Sec. 8. (a) All judgments, decrees, orders, and proceedings of city

and town courts have the same force as those of the circuit court. A judgment becomes a lien on real estate when a transcript of the judgment is filed with the clerk of the circuit court.

(b) All orders of sale and executions affecting real estate from the city court of the three (3) cities having the largest populations in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) shall be issued by the clerk of the circuit court to the sheriff upon the filing of a certified copy of the judgment. When the copy is filed, the court rendering the judgment has no further jurisdiction of the case except to furnish a transcript for appeal. The life of a lien may be continued in force when the action is started in the city court, as though the action were filed in the circuit court, by filing with the clerk of the circuit court a certificate, certified to by the judge of the city court and containing:

- (1) the names of the parties to the suit;
- (2) the nature of the action;
- (3) the description of the property affected; and
- (4) the amount in controversy.

The judge shall enter minutes on the docket showing the issuing of the certificates.

*As added by P.L.98-2004, SEC.14.*

#### **IC 33-35-5-9**

##### **Appeals from city and town courts; procedure**

Sec. 9. (a) An appeal from a judgment of a city court may be taken to the circuit, superior, or probate court of the county and tried de novo.

(b) An appeal from a judgment of a town court may be taken to the superior, circuit, or probate court of the county within thirty (30) days after the rendition of the judgment and tried de novo.

(c) A prisoner against whom punishment is adjudged by a city court may appeal to the circuit, superior, or probate court of the county within thirty (30) days after the judgment. If the prisoner, within the thirty (30) days, enters into recognizance for the prisoner's appearance in court and causes to be filed in the court, within forty-five (45) days, all other papers, documents, and transcripts necessary to complete the appeal, the appeal stays all further proceedings on the judgment in the court below. However, the prisoner may remain in jail on the prisoner's sentence instead of furnishing a recognizance, and an appeal without recognizance does not stay the execution of the court below.

*As added by P.L.98-2004, SEC.14. Amended by P.L.201-2011, SEC.100.*

#### **IC 33-35-5-10**

##### **Appeals from certain city and town courts; procedure**

Sec. 10. (a) A party in a civil action who desires to take an appeal from the city court of the three (3) cities having the largest populations in a county having a population of more than four

hundred thousand (400,000) but less than seven hundred thousand (700,000) shall file a bond, to the approval of the city court, within thirty (30) days after the date of rendition of final judgment, and the motion to correct errors within ten (10) days after the rendition of final judgment. The transcript and motion shall be filed in the court to which the appeal is taken within thirty (30) days after the motion has been signed by the court.

(b) All errors saved shall be reviewed as far as justice warrants, and for that purpose, a complete transcript of all the evidence is not required. An error occurring during the trial, not excepted to at the time, may be made available upon appeal by setting it forth in a motion for a new trial. Upon application within the time fixed, either of the parties to the suit may obtain either:

- (1) a correct statement, to be prepared by the party requesting the signing of the same, of the facts in a narrative form appearing on the trial and of all questions of law involved in the case and the decisions of the court upon the questions of law; or
- (2) a correct stenographic report;

and the expense of procuring the correct statement or correct stenographic report shall be paid by the party requesting the correct statement or correct stenographic report.

(c) The appeal shall be:

- (1) submitted on the date filed in the court to which the appeal is taken;
- (2) advanced on the docket of that court; and
- (3) as determined at the earliest practical date, without any extension of time for filing of briefs;

but the court to which an appeal is taken may, on application, hear oral arguments.

(d) If judgment is affirmed on appeal, it may be increased by ten percent (10%), in addition to any interest that may be allowed, if the appeal is found to be frivolous.

(e) A change of venue may be taken from the judge to whom the case is appealed as provided by law for taking changes of venue from the judge of the circuit court.

(f) The court to which an appeal is taken shall render its opinion in abbreviated form by simply citing the controlling authorities in the case, unless it appears that some new question of practice, procedure, or law is involved that would warrant a more extensive opinion.

*As added by P.L.98-2004, SEC.14.*