

**LR20-FL00-CVFL- 5 APPENDIX D.  
SUMMONS AND NOTICE OF HEARING IN DISSOLUTION OF MARRIAGE  
PROCEEDING**

STATE OF INDIANA                      IN THE (Title of Court)  
  SS:  
COUNTY OF ELKHART

IN RE THE MARRIAGE OF              Case No.  
(Name of Filing Party),  
      (select: Wife, Husband)  
      and  
(Name of Spouse),  
      (select: Wife, Husband)

**SUMMONS  
AND NOTICE OF HEARING**

THE STATE OF INDIANA TO:        (name of spouse being served)  
  (address)

Your spouse has filed an action for dissolution of marriage in the Court stated above. The following documents are attached or otherwise served with this Summons:

- \_\_\_\_\_ Petition for Dissolution of Marriage
- \_\_\_\_\_ Petition for Provisional Orders
- \_\_\_\_\_ Petition for Temporary Restraining Order
- \_\_\_\_\_ Temporary Restraining Order
- \_\_\_\_\_ Standing Order for Attendance at Transparenting & Seasons Classes
- \_\_\_\_\_ Chronological Case Summary
- \_\_\_\_\_ Subpoena
- \_\_\_\_\_ Preliminary Injunction
- \_\_\_\_\_ Other \_\_\_\_\_

If you and your spouse have children together under the age of eighteen (18), Local Court Rules in Elkhart County require that both you and your spouse complete certain specific tasks. You should immediately and carefully review those requirements at the website established by the Court at: [www.ElkhartFamilylaw.gov](http://www.ElkhartFamilylaw.gov).

**THIS IS YOUR OFFICIAL NOTICE** that a hearing for provisional orders has been scheduled for \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_ M. before this Court, which is located at [address of Court]. If you wish to hire an attorney to represent you in this matter, it is advisable to do so before that date. If you do not appear for that hearing, a provisional order could be entered by default which could remain in effect until this action is concluded. If child support and/or spousal maintenance are requested, you are required to bring evidence of your weekly gross income (your pay before any deductions) and documents to verify year-to-date income (pay stub

or employer statement) and your last income tax return, including all W-2s, 1099s and all accompanying schedules.

If you do not file a written appearance with the Clerk and serve a copy on your spouse or your spouse's attorney, you may not receive notice of any further proceedings in this action. **If you do not make such an appearance, a final decree could be entered by default which grants the relief sought in your spouse's petition after the expiration of sixty (60) days from the date of the filing of the petition.** You are not required to file any written answer to respond to the petition; however, certain grounds for dismissal must be asserted in a timely fashion or are waived; and, if you have a claim for relief against your spouse you may be required to assert such a claim in a written pleading which must be filed with the Clerk and served on your spouse or your spouse's attorney.

The following manner of service of this SUMMONS is hereby designated:

(select): \_\_\_\_\_ Registered or certified mail (with addressed envelope) postage prepaid,  
return receipt #  
\_\_\_\_\_ Sheriff of Elkhart County  
\_\_\_\_\_ Private service by: \_\_\_\_\_

Date:

(Name of attorney for Filing Party) WENDY HUDSON  
Indiana Attorney No: (insert) CLERK, ELKHART CIRCUIT/SUPERIOR COURTS

(firm name)

Attorney for (select: Wife, Husband)

(address)

By:

Deputy Clerk

(phone number)

#### PREPARATION DATA:

All summons are to be prepared in triplicate with the original of each to be placed in the Court file with two copies available for service. If service is by certified mail a properly addressed envelope shall be provided for the party being served. Certified mail labels and return receipts must also be furnished for each mailing and the cause number must appear on each return receipt, which shall be returnable to the Clerk at the address of the Court.

#### CLERK'S CERTIFICATE OF MAILING

I hereby certify that on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I mailed a copy of this Summons and designated documents to the party being served, \_\_\_\_\_, by \_\_\_\_\_ mail, requesting a return receipt, at the address furnished by the filing party.

WENDY HUDSON  
CLERK, ELKHART CIRCUIT/SUPERIOR  
COURTS

Dated: \_\_\_\_\_, 20\_\_.

BY:  
Deputy Clerk

**RETURN ON SERVICE OF SUMMONS BY MAIL**

I hereby certify that the attached return receipt was received by me showing that the Summons and designated documents mailed to the party being served, \_\_\_\_\_, was accepted by the party being served on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

I hereby certify that the attached return receipt was received by me showing that the Summons and designated documents was returned not accepted on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

WENDY HUDSON  
CLERK, ELKHART CIRCUIT/SUPERIOR  
COURTS

Dated: \_\_\_\_\_, 20\_\_.

BY:  
Deputy Clerk

**RETURN OF SERVICE OF SUMMONS BY SHERIFF**

I hereby certify that I have served the within Summons and designated documents:

1) By delivering on \_\_\_\_\_, 20\_\_, a copy of this Summons and designated documents to each of the within named person(s).

2) By leaving on \_\_\_\_\_, 20\_\_, for each of the within named person(s) \_\_\_\_\_ a copy of the Summons and a copy of the designated documents at the respective dwelling house or usual place of abode, \_\_\_\_\_ in \_\_\_\_\_, Indiana, with a person of suitable age and discretion residing within, whose usual duties or activities include prompt communication of such information to the person served, or by otherwise leaving such process thereat, and by mailing a copy of the Summons without the designated documents to the said named person(s) at the address listed herein.

3) This Summons came to hand this date, \_\_\_\_\_, 20\_\_\_\_\_. The within named \_\_\_\_\_ was not found in my bailiwick this date, \_\_\_\_\_, 20\_\_\_\_\_.

ALL DONE IN ELKHART COUNTY, INDIANA.

SHERIFF OF ELKHART COUNTY, INDIANA

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

**SERVICE ACKNOWLEDGED**

I hereby acknowledge that I received a copy of this Summons and copies of the designated documents at \_\_\_\_\_, Indiana, on this date, \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Select: Wife/Husband)