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## Filing NOTICE OF TORT CLAIM

*Provided by the City of Aurora Legal Counsel*

Anyone who has a claim for personal injury or property damage against the City of Aurora - Dearborn County must make the claim in writing as prescribed in **Indiana Code 34-13-3** and these rules:

1. Name and address of claimant
2. Claimant's telephone number
3. Location, date and time of alleged occurrence
4. Short and plain statement of the facts on which the claim is based, including names, addresses and phone number of witnesses (if applicable), circumstances which brought about the loss, the time and place the loss occurred
5. Damage(s) and/or injury sustained
6. Extent of loss or repair if known (copies of estimates, bills, receipts, photos, etc. may be provided if possible)
7. Amount of damages sought
8. The residence of the person making the claim at the time of the loss and at the time of filing the notice.
9. The notice must be in writing and must be delivered in person or by registered or certified mail.
10. Letter should be addressed to:

City of Aurora Legal Counsel  
Attn: Alan Miller  
235 Main Street  
Aurora, Indiana 47001

- DO NOT DELAY MAKING YOUR CLAIM. INDIANA LAW GIVES YOU ONLY 180 (ONE HUNDRED EIGHTY) DAYS AFTER THE LOSS TO MAKE A CLAIM, AND IT MUST COMPLY WITH **Indiana Code 34-13-3**.
- EACH PERSON WHO HAD A LOSS SHOULD FILE A SEPARATE CLAIM.
- KEEP A COPY OF YOUR CLAIM, YOUR RECEIPTS FOR YOUR BILLS AND YOUR CERTIFIED OR REGISTERED MAIL RECEIPT.
- If your claim is properly filed, the City Attorney as Legal Counsel for the City of Aurora, will investigate it and will notify you in writing within 90 days of receipt if your claim is approved. A claim is denied if not approved within 90 days.
- The filing of this claim is part of a legal process. If you have any questions about the right way to file a claim, you should contact an attorney of your choice. The city's attorneys are not authorized by law to assist you with filing this claim; however, for your information, the following is a list of actions or conditions resulting in **nonliability** pursuant to **Indiana Code 34-13-3**:

*Sec 3. A governmental entity or an employee acting within the scope of the employee's employment is not liable if a loss results from:*

- (1) *the natural condition of unimproved property;*
- (2) *the condition of a reservoir, dam, canal, conduit, drain, or similar structure when used by a person for a purpose which is not foreseeable;*
- (3) *the temporary condition of a public thoroughfare which results from weather;*
- (4) *the condition of an unpaved road, trail, or footpath, the purpose of which is to provide access to a recreation or scenic area;*

## **Filing NOTICE OF TORT CLAIM continued**

- (5) *the initiation of a judicial or an administrative proceeding;*
- (6) *the performance of a discretionary function;*
- (7) *the adoption and enforcement of or failure to adopt or enforce a law (including rules and regulations), unless the act of enforcement constitutes false arrest or false imprisonment;*
- (8) *an act or omission performed in good faith and without malice under the apparent authority of a statute which is invalid, if the employee would not have been liable had the statute been valid;*
- (9) *the act or omission of anyone other than the governmental entity or the governmental entity's employee;*
- (10) *the issuance, denial, suspension, or revocation of, or failure or refusal to issue, deny, suspend, or revoke, any permit, license, certificate, approval, order, or similar authorization, where the authority is discretionary under the law;*
- (11) *failure to make an inspection, or making an inadequate or negligent inspection, of any property, other than the property of a governmental entity, to determine whether the property complied with or violates any law or contains a hazard to health or safety;*
- (12) *entry upon any property where the entry is expressly or impliedly authorized by law;*
- (13) *misrepresentation if unintentional;*
- (14) *theft by another person of money in the employee's official custody, unless the loss was sustained because of the employee's own negligent or wrongful act or omission;*
- (15) **INJURY TO THE PERSON OR PROPERTY OF A PERSON UNDER SUPERVISION OF A GOVERNMENTAL ENTITY** and who is:
  - (A) *on probation; or*
  - (B) *assigned to an alcohol and drug services program under IC 12-23, a minimum security release program under IC 11-10-8, or a community corrections program under IC 11-12;*
- (16) *design of a highway (as defined in IC 9-13-2-73), if the claimed loss occurs at least twenty (20) years after the public highway was designed or substantially redesigned; except that this subdivision shall not be construed to relieve the responsible governmental entity from the continuing duty to provide and maintain public highways in a reasonably safe condition; or*
- (17) *development, adoption, or implementation, operation, maintenance, or use of an enhanced emergency communication system.*