**CITY OF AURORA**
City Administration Building | 235 Main Street | Aurora, Indiana 47001
**Jared J. Ewbank, City Attorney**
jared@ewbankkramer.com | 812-537-2522
**Benny Turner, Clerk-Treasurer**
bturner@aurora.in.us

# NOTICE OF TORT CLAIM FOR PROPERTY DAMAGE AND/OR PERSONAL INJURY

**INSTRUCTIONS:** Use this form, or a written notice containing the same information, for a claim against the City of Aurora under Indiana Code 34-13-3.

1. **To preserve your rights, you must file this notice within 180 days of the incident. DO NOT DELAY.**
2. File promptly. Do not wait for final bills, estimates, or other records. Requests for a form do not extend the deadline.
3. Deliver the written notice in person or by registered or certified mail to: **City of Aurora Common Council, c/o Benny Turner, Clerk-Treasurer, 235 Main Street, Aurora, Indiana 47001.**
4. Each claimant should file separately. Sign and date the notice. Attach available reports, photographs, estimates, receipts, and other supporting records. Keep copies and proof of delivery or mailing.
5. Email and telephone contacts above are for requests for forms. Do not rely on email or a telephone call to file notice. See page two for filing requirements and rights. The City Attorney represents the City.

## CLAIMANT INFORMATION

| Name | Home telephone | Work telephone | Cellular telephone |
|---|---|---|---|
| | | | |

| Residence at time of loss (street, city, state, ZIP code) | Email address |
|---|---|
| | |
| **Residence at time of filing (if different)** | **Your vehicle make, model and license plate (if involved)** |
| | |

## LOSS INFORMATION

| Date of loss | Time of loss (AM/PM) | Amount of damages sought $ | City department involved | City vehicle (if known) |
|---|---|---|---|---|
| | | | | |

| Exact location of loss (include town, street and nearest crossroad) | County of loss |
|---|---|
| | |

| Names and addresses of all persons involved, including witnesses (if known) |
|---|
| |

| Alleged negligence (why you believe the City is responsible) |
|---|
| |

| Injuries, property damage and extent of loss |
|---|
| |

| Explanation of what happened (use additional sheets if necessary) |
|---|
| |

**Please read:** I swear and affirm under the penalties for perjury that the information in this notice and its attachments is true and correct to the best of my knowledge and belief.

Claimant signature _____ Date _____

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# FILING REQUIREMENTS AND RIGHTS

Indiana Tort Claims Act | Indiana Code 34-13-3

### IC 34-13-3-8 Notice within 180 days

(a) Except as provided in section 9 of this chapter and subsection (b), a claim against a political subdivision is barred unless notice is filed with:
(1) the governing body of that political subdivision; and
(2) unless IC 27-1-29 has expired under IC 27-1-29-29, the Indiana political subdivision risk management commission created under IC 27-1-29;
within one hundred eighty (180) days after the loss occurs.
(b) A claim against a political subdivision is not barred for failure to file notice with the Indiana political subdivision risk management commission under subsection (a)(2) if the political subdivision was not a member of the political subdivision risk management fund established under IC 27-1-29-10 at the time the act or omission took place.

### IC 34-13-3-9 Incapacitated claimants

If a person is incapacitated and cannot give notice as required in section 6 or 8 of this chapter, the person's claim is barred unless notice is filed within one hundred eighty (180) days after the incapacity is removed.

### IC 34-13-3-10 What the notice must contain

The notice required by sections 6, 8, and 9 of this chapter must describe in a short and plain statement the facts on which the claim is based. The statement must include the circumstances which brought about the loss, the extent of the loss, the time and place the loss occurred, the names of all persons involved if known, the amount of the damages sought, and the residence of the person making the claim at the time of the loss and at the time of filing the notice.

### IC 34-13-3-12 Written notice and delivery

The notices required by sections 6, 8, 9, and 11 of this chapter must be in writing and must be delivered in person or by registered or certified mail.

### IC 34-13-3-11 Approval or denial within 90 days

Within ninety (90) days of the filing of a claim, the governmental entity shall notify the claimant in writing of its approval or denial of the claim. A claim is denied if the governmental entity fails to approve the claim in its entirety within ninety (90) days, unless the parties have reached a settlement before the expiration of that period.

### IC 34-13-3-13 Denial before filing suit

A person may not initiate a suit against a governmental entity unless the person's claim has been denied in whole or in part.

### Additional information

These provisions address notice and the right to proceed after denial. Filing notice does not establish City liability or guarantee payment. Governmental immunities and other defenses, including those under IC 34-13-3-3, may apply. A notice is not a lawsuit, and separate lawsuit deadlines apply. Contact an attorney of your choice for advice about your rights. The City Attorney represents the City.