

## **FILING A NOTICE OF TORT CLAIM**

Anyone who has a claim for personal injury or property damage against the City of Greencastle, Putnam County, must make a claim in writing as prescribed in **Indiana Code 34-13-3** and these rules. **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 AND ITS ATTORNEY ARE NOT AUTHORIZED TO ASSIST YOU WITH FILING A CLAIM AGAINST THE CITY.** A claim **MUST** include the following:

1. The name and address of the Claimant
2. The Claimant's telephone number
3. The location, date and time of the alleged occurrence;
4. The names of all persons involved, if known;
5. A short and plain statement of the facts on which the claim is based, including names, addresses and phone numbers of witnesses (if applicable), circumstances which brought about the loss and the time and place the loss occurred;
6. Damages and/or injury sustained
7. Extent of loss or repair if known (copies of estimates, bills, receipts, photos, etc should be provided if possible);
8. Amount of damages sought;
9. The residence of the person making the claim at the time of the loss and at the time of filing the notice.

The Claim should be addressed to :

City of Greencastle Common Council  
1 N. Locust Street  
Greencastle, IN 46135  
Attn: Clerk/Treasurer

**DO NOT DELAY IN MAKING YOUR CLAIM. INDIANA LAW GIVES YOU ONLY 180 DAYS AFTER THE LOSS TO MAKE A CLAIM, AND CLAIMS MUST COMPLY WITH INDIANA CODE 34-13-3.**

If your claim is properly filed, the City, or its insurance carrier, 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.

City of Greencastle  
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1. Name and address of Claimant \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  2. Claimant's telephone number \_\_\_\_\_ Cell phone number \_\_\_\_\_
  3. The location, date and time of the alleged occurrence \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  4. The names of all persons involved, if known \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  5. A short and plain statement of the facts on which the claim is based, including names, addresses and phone numbers of witnesses (if applicable), circumstances which brought about the loss and the time and place the loss occurred \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  6. Damages and/or injury sustained \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  7. Extent of loss or repair if known (copies of estimates, bills, receipts, photos, etc. should be provided if possible) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  8. Amount of damages sought       \$ \_\_\_\_\_
  9. The residence of the person making the claim at the time of the loss \_\_\_\_\_  
\_\_\_\_\_
- The residence of the person making the claim at the time of filing this notice \_\_\_\_\_  
\_\_\_\_\_

Additional relevant information, quotes, bills, etc. should be attached. **DO NOT DELAY IN MAKING YOUR CLAIM. INDIANA LAW GIVES YOU ONLY 180 DAYS AFTER THE LOSS TO MAKE A CLAIM, AND CLAIMS MUST COMPLY WITH INDIANA CODE 34-13-3.**

If your claim is properly filed, the City, or its insurance carrier, 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.

For your information, the following is a list of some of the actions or conditions resulting in **nonliability** for municipalities under Indiana Code 34-13-3-3:

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;
5. The initiation of a judicial or an administrative proceeding;
6. The performance of a discretionary function;
7. The adoption an 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 the supervision of a governmental entity and who is on probation; or 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.