

Filing Tort Claims

Anyone who has a claim for personal injury or property damage against the Town of Sellersburg 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. Letter should be addressed to:
 - Town of Sellersburg
 - Department of Law
 - 316 E. Utica Street
 - Sellersburg, IN 47172

*** 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 Law Department 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:

Filing Claim Guidelines

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;
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:
 1. on probation; or
 2. 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.

Town of Sellersburg
Tort Claim Form
(Please write or print clearly)

Claimant Name _____ Telephone: _____

Address _____
Number Street City State Zip

Date and Time Loss Occurred: _____

Location Loss Occurred: _____

Extent of Loss: (Please provide two (2) written estimates for property damage): _____

Describe what happened: _____

Name of Persons Involved: (If Known): _____

Amount of Damages Sought: _____

Claimant's Residence at Time of Loss: _____

Signature: _____ **Date:** _____

Please mail or deliver to:

Town of Sellersburg
Department of Law
316 E. Utica Street
Sellersburg, IN 47172