

MAINE JUDICIAL BRANCH

INSTRUCTIONS FOR FILING A RESIDENTIAL FORCIBLE ENTRY AND DETAINER (EVICTION) CASE

1) Notice to Quit and Information Sheet: In most cases, to evict a tenant from your property you must first “serve” them with a “**Notice to Quit**” that includes the reason, if any, for the eviction and when you expect to file the case. A Notice to Quit may be written by a lawyer, by you, or you may find a form notice online or at an office supply store. If a notice is required, to serve it you must give it to the tenant(s) personally, along with the **Forcible Entry and Detainer (Eviction) Information Sheet and Mediation Request (form CV-256)**. You can also pay the sheriff to serve these forms on the tenant(s). There are other ways to provide the notice. For information on strict requirements for the notice, including timing and required language, see Title 14 of the Maine Revised Statutes, §§ 6001-6016, or hire a lawyer. Make sure that you make copies of all documents that you serve on the tenant(s), as well as all other legal documents, for your records.

2) Eviction Complaint: Fill out a **Residential Complaint for Forcible Entry and Detainer (form CV-007)**. You are the Plaintiff, and your tenant is the Defendant. If more than one tenant is on the lease, each one must be named as a Defendant on the Complaint. If there are occupants who are not tenants, name your tenant(s) and check the box “And all other occupants” on the Complaint. Date and sign the completed Complaint.

3) Summons: Obtain a **Forcible Entry and Detainer Summons (form CV-034)** from the clerk for each tenant. **PLEASE NOTE**: This form is not available on the Judicial Branch website. It must be purchased from the clerk. There is a \$5 charge per summons. Ask the clerk in the court where the hearing will be held for the date(s) of the next Forcible Entry and Detainer hearings. You must write a hearing date and time on the summons. Also, when filling out the summons, make sure that you fill in the description of your property, with the street address and apartment or house number. If the hearing will be held remotely, that information will already be on the summons, or the clerk will tell you to write it in. **Plan ahead!** The summons and other required documents will have to be served on the Defendant(s) **at least fourteen (14) days** before the date of the hearing.

4) Service: If you are going to have the sheriff serve the tenant, take a copy of your complaint, a copy and the original summons, and the Residential Forcible Entry and Detainer (Eviction) Information Sheet and Mediation Request (CV-256) to the sheriff. Write “Copy for Service” on any copies that are to be served. Each tenant must be served with a summons individually. You cannot list multiple tenants on one summons. The sheriff will charge you for serving each summons. After the service is completed, which must be **at least fourteen (14) days** before the hearing date, the sheriff will return the original summons, as well as a “return of service” that has been filled out by a deputy that shows who was served, and when, where, and how service was completed.

5) File At Court: File the original complaint, original summons, the return of service, and the Notice to Quit (if required) with the clerk to start the case at least **three (3) business days** before the hearing. This means that if the hearing is held on a Thursday, the action must be filed by the Monday before. (Saturdays, Sundays, and holidays do not count as business days.) If you do not file your Forcible Entry and Detainer Action at least three (3) days before the hearing date, the action may be dismissed and you will have to start over. You will be charged a filing fee by the clerk’s office when you initiate the case with the court.

IF YOU HAVE ANY OTHER QUESTIONS, PLEASE CONTACT AN ATTORNEY.

ADA Notice: The Maine Judicial Branch complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation, contact the Court Access Coordinator, accessibility@courts.maine.gov, or a court clerk.

Language Services: For language assistance and interpreters, contact a court clerk or interpreters@courts.maine.gov.