

MAINE JUDICIAL BRANCH

Instructions for filing a Forcible Entry and Detainer (Eviction) Case

PLEASE NOTE: These instructions are to be used in place of CV-100 while COVID-19 procedures, Pandemic Management Orders (PMOs) and/or the Phased Management Plan (PMO) are in effect.

COVID-19 procedures, Pandemic Management Orders (PMOs) and the Phased Management Plan (PMP) on the Judicial Branch website here: www.courts.maine.gov/covid19.shtml; and executive orders of the Governor on the State of Maine website here: www.maine.gov/governor/mills/official_documents.

On or after November 3, 2020 a Forcible Entry and Detainer (FED) packet will include the following:

- Instructions for Filing a Forcible Entry and Detainer (Eviction) Case;
- Complaint for Forcible Entry and Detainer (CV-007);
- Forcible Entry and Detainer Summons (CV-034) (there is a \$5.00 fee for this form);
- Two copies of the FED Information Sheet regarding what to expect at court and available services (one to be kept by you and one to be served on the defendant). If there is more than one defendant, additional copies of the information sheet can be requested from the Clerk of the District Court or you may make copies. You will need to write the phone number of the [District Court](#) where you are filing the FED action in two places on the information sheet;
- Two copies of the Instructions for Accessing a Court Hearing Using Google Meet (one to be kept by you and one to be served on the defendant). If there is more than one defendant, additional copies of the instructions can be requested from the Clerk of the District Court or you may make copies; and
- A copy of PMO-SJC-6.

1) In most cases, to evict a tenant from your property, you must first serve the tenant with a written notice of the reason(s) for the eviction, called a Notice to Quit. A Notice to Quit may be written by a lawyer, by you, or you may buy a blank notice from an office supply store. If a notice is required, it must be given to the tenant(s) personally by you, or you may go to the Sheriff's Department and arrange to have the tenant(s) served by a deputy. You will be charged by the Sheriff's Department for service. There are other ways to provide notice, and information on strict notice, timing and language requirements. For more information see Title 14 of the Maine Revised Statutes §§ 6001-6016 or hire a lawyer.

2) Complete a Complaint for Forcible Entry and Detainer, (CV-007). Forms can be found on the Judicial Branch website here: http://www.courts.maine.gov/fees_forms/forms/index.shtml#cv. You are the Plaintiff, and your tenant is the Defendant. If there are multiple tenants on the lease, you must name **all** tenants as Defendants in the Complaint and serve each Defendant. If there are multiple occupants, name your tenant(s) and add the words "all other occupants" as Defendants. Once you complete the Complaint, date and sign it. Make sure that you make copies of this and all other legal documents for your records.

3) Obtain a Forcible Entry and Detainer Summons (CV-034) from the Clerk of the District Court **for each tenant**. (The FED packet described above contains the required summons.) You will be charged for each

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Summons. 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.

- 4) Ask the Clerk of the District Court for the dates of the next Forcible Entry and Detainer status conferences. You will need to choose a date to complete the Forcible Entry and Detainer Summons. Remember that you must have the Summons served on the Defendant at least seven (7) days before the date of the hearing.
- 5) Take a copy of your Complaint and a copy and the original of your Summons to the Sheriff's Department for service. Please write "Copy For Service" on any copies that are to be served on your tenant(s) (the Defendant(s)). Please remember: each tenant must be served with a Summons individually. You may not list multiple tenants on one Summons. The Sheriff's Department will charge you for serving each Summons. After the Service is completed, the Sheriff's Department will return the original Summons, as well as a return of service that has been filled out by a deputy to you.
- 6) Bring the Notice to Quit (if required); the original Summons; the original Complaint; the return of service to the Clerk of the District Court's Office, and file the Forcible Entry and Detainer action at least one (1) business day before the status conference. This means that if the status conference is held on a Wednesday, the action must be filed by Tuesday. Saturdays, Sundays and legal holidays do not count as business days. You will be charged a filing fee by the Clerk's Office. If you do not file your Forcible Entry and Detainer Action at least one (1) day before the hearing date, the action will be dismissed and you will have to start over.

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

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