

**MAINE JUDICIAL BRANCH**

Plaintiff

*"X" the court for filing:*

Superior Court  District Court

V.

County: \_\_\_\_\_

Location (Town): \_\_\_\_\_

Defendant

Docket No.: \_\_\_\_\_

**DEBT BUYER COMPLAINT**

1. The plaintiff: \_\_\_\_\_ claims that the defendant: \_\_\_\_\_ owes a debt.
2. The claimed amount owed to the plaintiff is \$\_\_\_\_\_.
3. The name of the original creditor was \_\_\_\_\_.  
*(Note for Plaintiff: If the original creditor did business with defendant under a different name or was a credit card sponsored or co-sponsored by a retailer, include that name above.)*

**DEFENDANT: You have a right to challenge Plaintiff's claims and to try to resolve the case.**

**NEXT STEPS:**

- **Read and review this Complaint** and the documents attached. This form was completed by the plaintiff and served on you to begin a lawsuit against you.
- **To protect your rights, respond within 20 days** of the date you were served.
- To respond, **send an "Answer" to the Court**. You can use the "Defendant's ANSWER to Complaint" form that was served with this Complaint. The Answer form is also available at [www.courts.maine.gov/forms](http://www.courts.maine.gov/forms).
- Send a copy of your Answer to the plaintiff's attorney.
- The court will notify you of any further action in this case. For more information, visit [www.courts.maine.gov](http://www.courts.maine.gov).

**PLEASE NOTE:**

- If you do not respond, you could lose your opportunity to try to resolve this case. Plaintiff may ask for a "default" judgment (a court order that says you owe the debt in the amount Plaintiff claims) because you did not respond.
- Filing an Answer does not mean you admit you owe the debt, or the amount claimed.

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### TERMS USED:

- **“Charge-off”** means the creditor’s act of removing an account and “writing it off” as a loss or expense because payment is unlikely.
- **“Debt”** means money owed from buying goods or services, leasing goods, or a loan of money for personal or household use. (Examples: credit cards, student loans, auto loans, and payday loans.)
- **“Original creditor”** means the company that gave out the loan or credit.
- **“M.R.S.”** means Maine law called the Maine Revised Statutes. (For example, 32 M.R.S. § 11019(1) is a reference to Title 32, section 11019, subsection 1 of the Maine Revised Statutes.) Access the Maine Revised Statutes at <https://legislature.maine.gov/legis/statutes/>.

### A. Plaintiff claims the following (32 M.R.S. § 11019(1)):

#### 1. Type of Debt

Plaintiff claims the type of debt is (*select all that apply*):

- Credit card or student loan debt.** Plaintiff served the form answer posted by the Bureau of Consumer Credit Protection with this complaint. (32 M.R.S. § 11020)
- For medical expenses.** Plaintiff claims this action does not violate requirements of Maine Law that prohibit a collection action when the defendant is or may have been eligible for free or charity care. (32 M.R.S. § 11013(11)) \*See note below.
- Consumer debt** that is not based on credit card, student loan, or medical expenses.

**\*NOTE REGARDING #2:** Plaintiff MUST suspend this collection action if the alleged debt is for medical expenses and Plaintiff is notified that Defendant has qualified for free or charity care under the guidelines adopted by Maine Law (22 M.R.S. § 1716) or would have qualified but did not apply for good cause. (32 M.R.S. § 11013(11))

#### 2. Service

- Plaintiff has provided proper notice.
- For **credit card or student loan debt**, Plaintiff served the form answer posted by the Bureau of Consumer Credit Protection with this complaint. (32 M.R.S. § 11020)

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3. Statute of Limitations (32 M.R.S. § 11019(1)(E))

a. This action has been filed within the applicable statute of limitations period (deadline to file the claim) based on the following:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b.  The debt was purchase on or before 1/1/2018. (Requirements for a claim for debt purchased before or after 1/1/2018 are different.)

4. Parties and Venue

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Cause(s) of Action

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Owner (32 M.R.S. § 11013(9)(A), 11019(1)(D))

The name of the current owner of the debt:

\_\_\_\_\_

7. Charge-off (32 M.R.S. §§ 11013(9)(B)-(D))

The debt at issue was charged-off. At charge-off:

a. The name of the original creditor: \_\_\_\_\_

b. The account number (if any) used to identify the debt: \_\_\_\_\_

c. The amount due: \$ \_\_\_\_\_

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d. If amount due is less than the amount at charge-off, the difference is because:

\_\_\_\_\_

8. Date of Credit (32 M.R.S. § 11013(9)(F))

- a.  For non-revolving credit, the date the debt was incurred or the date of last charge for goods or services billed to the consumer’s account was (mm/dd/yyyy) \_\_\_\_\_
- b.  For revolving credit, the date of the last extension of credit for the purchase of goods or services, for the lease of goods, or as a loan of money was (mm/dd/yyyy) \_\_\_\_\_

9. Payment (32 M.R.S. § 11013(9)(G))

The amount and date of the last payment or allegation that no payment has been made:

\_\_\_\_\_

10. Chain of Ownership. (32 M.R.S. § 11013(9)(H))

Plaintiff has each assignment or other writing to show an unbroken chain of ownership, beginning with the original creditor to the first debt buyer and each subsequent debt buyer, as listed **chronologically** below. (Attach a separate page if additional space is needed.)

Debt owner(s) (in order)	Transferred to	Date of Assignment (mm/dd/yyyy)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

*Note: If the debt was transferred to multiple entities as part of one transfer, list the transfer for **each** entity separately.*

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11. Interest or fees incurred after charge-off (32 M.R.S. §§ 11013(E))

- a.  Interest and/or fees were assessed after the date of charge-off, as listed on the next page.

Table with 4 columns: \$ Amount, Type (interest, fee), Name of entity assessing interest/fees, Date Assessed (mm/dd/yyyy). Rows contain dollar signs and blank lines for data entry.

Attach a separate page if additional space is needed.

12. Attorney fees. (32 M.R.S. § 11019(1)(C))

- a.  Attorney fees are requested.
b. Basis for attorney fees, if requested (cite to the statute or term in the contract, agreement, or other document that shows Defendant's liability for attorney fees):

Two horizontal lines for providing basis for attorney fees.

B.  Plaintiff makes the following other claims or allegations:

Four horizontal lines for listing other claims or allegations.

C. Plaintiff requests the following relief:

Four horizontal lines for describing requested relief.

D. Statement of Documentation for Claims

- 1.  Plaintiff possesses documentation identified in 32 M.R.S. § 11013(9)(I) & (J) and has attached documents as required by 32 M.R.S. § 11019(2)(A) &(B).

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E. Attachments

Attached are affidavits incorporating the required documents by reference. The documentation appears **in the following order**, regardless of whether it is attached to this complaint or to an affidavit.

Plaintiff attaches the following materials to support its claims. (32 M.R.S. § 11019(2))

**1. Exhibit A - Documentation showing that Defendant owes the debt** (32 M.R.S. §§ 11013(9)(D),(E),(J), 11019(2)(A))

Plaintiff has attached, as **Exhibit A**, the following (*select all that apply*):

- A copy of the contract, application, or other document showing Defendant agreed to and owes the debt and any interest or fees claimed;
- A document provided to Defendant before charge-off showing Defendant owes the debt;
- The most recent monthly statement showing the extension of credit for purchase of goods or services, for the lease of goods or as a loan of money;
- The last payment;
- The last balance transfer;
- The amount due at charge-off, plus interest and fees imposed.

Other document(s) establishing the existence, amount, and terms and conditions of the debt, if any:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**2. Exhibit B - Documentation of chain of ownership of debt** (32 M.R.S. §§ 11013(9)(I), 11019(2)(B))

Plaintiff has attached, as **Exhibit B**, documents identifying the original creditor and each bill of sale, assignment, or other document showing a transfer of ownership. For a debt that was assigned more than once, each transfer is provided, showing an unbroken chain of ownership **in chronological order** from the original creditor to the current owner.

**3. Exhibit C - Affidavit(s) relating to attached documents** (32 M.R.S. § 11019(3))

Plaintiff has attached, as **Exhibit C**, affidavit(s) related to the attached documents.

**4. Exhibit D - Documentation showing basis for attorney fees** (32 M.R.S. §§ 11019(1)(D)) (*optional*)

Plaintiff has requested attorney fees and attached, as **Exhibit D**, documentation showing Plaintiff is permitted to request attorney fees.

**5. Description and exhibit letter of other document(s) attached, if any:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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Plaintiff's Certification

I swear under penalty of perjury that the above statements are true and correct. I understand that these statements are made for use as evidence in court and that I am subject to prosecution for perjury punishable by up to 5 years in prison and a fine of up to \$5,000 if I give false information to the court.

I have personally reviewed the above documents and statements and to the best of my knowledge, information, and belief, this Complaint includes claims and exhibits that constitute good grounds to support Plaintiff's claim against Defendant. I understand that filing this Complaint without good grounds to support Plaintiff's claim may result in appropriate sanctions under M.R. Civ. P. 11.

I certify that I have met the statutory requirements of Title 32 to file this Complaint and to the best of my knowledge, information, and belief, this claim does not violate the Maine Fair Debt Collection Practices Act or other Federal Law or Rule regulating Debt Collection Practices.

Date (mm/dd/yyyy): \_\_\_\_\_



\_\_\_\_\_  
(  Attorney for )  Plaintiff's Signature

\_\_\_\_\_  
Printed Name and Bar Number (if applicable)

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Email

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