

## 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](mailto:accessibility@courts.maine.gov), or a court clerk.

**Language Services:** For language assistance and interpreters, contact a court clerk or [interpreters@courts.maine.gov](mailto:interpreters@courts.maine.gov).

## MAINE JUDICIAL BRANCH

### RESIDENTIAL FORCIBLE ENTRY AND DETAINER (EVICTION) INFORMATION SHEET AND MEDIATION REQUEST

You have been served with an eviction notice **OR** an eviction complaint and summons with your scheduled court date and time. Here is some important information that may help you.

**PLEASE NOTE: If you do not appear in court on the date your case is scheduled, you will likely have to move out of your home.**

#### HELP AND INFORMATION:

##### **Legal Help – You might be able to get free help from an attorney:**

- Pine Tree Legal Assistance (PTLA) is free for low-income tenants. Hotline hours are Monday 12:00 – 2:30, Tuesday and Thursday 9:00 – 11:30. Call 207-774-8211.
- Legal Services for Maine Elders – is free for those 60 and older: Call 1-800-750-5353.

##### **Information - Find out more!**

- PTLA's website provides information about the eviction process in Maine. Visit [ptla.org/fed](http://ptla.org/fed) to learn more.

#### NOTICE TO QUIT OR NOTICE TO TERMINATE

The “notice to quit” or “notice to terminate” is generally the first step a landlord must take to start the eviction process against you. The notice gives you a deadline to move out or correct the issue with your landlord. Once the deadline to move out or correct the issue passes, your landlord may file an eviction case (called a “Forcible Entry and Detainer” case) against you. You will be served with a complaint and summons that tells you when you must appear in court. It is important to get legal help. If you can't afford an attorney, you may call PTLA or Legal Services for the Elderly. Their phone numbers are above. You may be eligible for free legal help.

#### COURT HEARING DATE

- **Go to Court:** If you have been given a court summons, you must attend your court hearing on the date listed on the summons. The summons says when to go to court for your hearing, and if the hearing will be by video or phone, how to join. If the summons does not say that it is being held by video/phone, you are expected to appear in person. If you do not attend your hearing, **you may be evicted.**
- **Mediation:** You can ask for mediation. Mediation gives you the chance to settle your case without having a hearing before a judge. You can ask for mediation before the hearing date by using the Request for Mediation Form (see below). Complete the information and file it with the court where your case is pending. You can also tell the judge that you would like mediation at the court. Alternatively, the judge might order your case to mediation.
- **Hearing:** If your case does not settle in mediation, the judge will hold a hearing to listen to both sides and decide what will happen.

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➤ **Representation:** If you do not have an attorney, some courthouses, but not all, will have volunteer attorneys available to talk to you on the day of your hearing. Call the courthouse where your hearing is scheduled to see if one of the volunteer attorneys will be available. The court's phone number is listed on the summons you received.

### MEDIATION

#### **What is mediation?**

In mediation, a neutral person approved by the court tries to help the parties come to an agreement. This person is called a mediator and is trained to help parties explore solutions without taking sides.

**Options for agreement:** Some of the options could include: a payment plan for back rent to keep a tenant in the home, setting a move-out date, a plan for repairs, a reasonable accommodation for a disability, or another solution that the tenant and landlord both agree to. Mediation is usually held in person but can be held remotely by video or phone.

#### **Who will be there?**

The mediator, **you**, your attorney if you have one, the landlord and the landlord's attorney if they have one. Others might also be present for support.

#### **How to ask for mediation:**

If you would like to mediate your case: 1) send or bring the Request for Mediation form below to the court; 2) write a letter to the court; or 3) ask for mediation at court when you go on the hearing date.

**Questions?** Contact the court at the number listed on the summons.

### REQUEST FOR MEDIATION

I would like mediation in my case.

I am (*select one*)  the defendant (tenant)  the plaintiff (landlord).

My Name is (*please print*): \_\_\_\_\_

My cell phone number is: \_\_\_\_\_

My email address is: \_\_\_\_\_

The name of the other party listed on the summons and complaint is: \_\_\_\_\_

To the best of my knowledge, the other party's cell phone number is: \_\_\_\_\_

To the best of my knowledge, the other party's email address is: \_\_\_\_\_

The address of rental property is: \_\_\_\_\_

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



Signature

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**Questions?** Contact the court at the number listed on the summons.

### REQUEST FOR MEDIATION

I would like mediation in my case.

I am (*select one*)  the defendant (tenant)  the plaintiff (landlord).

My Name is (*please print*): \_\_\_\_\_

My cell phone number is: \_\_\_\_\_

My email address is: \_\_\_\_\_

The name of the other party listed on the summons and complaint is: \_\_\_\_\_

To the best of my knowledge, the other party's cell phone number is: \_\_\_\_\_

To the best of my knowledge, the other party's email address is: \_\_\_\_\_

The address of rental property is: \_\_\_\_\_

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



Signature \_\_\_\_\_

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V.

**Plaintiff**

**DISTRICT COURT**

Location (Town):

Docket No.:

**Defendant(s)**

### And All Other Occupants

# COMPLAINT FOR RESIDENTIAL FORCIBLE ENTRY AND DETAINER

M.R. Civ. P. 80D

NOW COMES the Plaintiff and states as follows:

1. The plaintiff is the owner of the premises located at \_\_\_\_\_, Maine;
2. The defendant(s) is/are residential tenant(s) or occupant(s) at said premises.
3. The basis for eviction is (*check all that apply*):  
 The defendant(s) is/are more than \_\_\_\_\_ months in arrears of payment of rent;  
 The defendant(s) has/have breached certain terms and conditions of the lease;  
 The defendant(s) has/have engaged in other conduct that justifies eviction under applicable law;  
 Other (*please specify*): \_\_\_\_\_.
4.  The defendant(s) was/were served with a Notice to Quit on (mm/dd/yyyy) \_\_\_\_\_.

**OR**

- The defendant(s) was/were not served with a Notice to Quit.

5. A copy of the following is attached to this complaint (*check all that apply*):  
 The Notice to Quit served on the defendant(s);  
 The lease agreement signed by the parties;  
 Other (*please specify*): \_\_\_\_\_  
 There is nothing attached to this complaint.

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6.  Additional allegations in support of the plaintiff's claim (*if you need additional space, attach a separate sheet*):

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WHEREFORE, Plaintiff demands Judgment for possession of said premises and for its costs and that this Court issue a Writ of Possession directing the Sheriff to cause Plaintiff to have possession of the premises located at \_\_\_\_\_ Maine.

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



Plaintiff  Attorney for Plaintiff

Printed Name

Bar Number (*if applicable*)

**Plaintiff Attorney:** \_\_\_\_\_

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

**Plaintiff:** \_\_\_\_\_

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

Telephone (Office): \_\_\_\_\_

Email: \_\_\_\_\_

Telephone (Cell): \_\_\_\_\_

Email: \_\_\_\_\_

**Defendant Attorney:** \_\_\_\_\_

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

**Defendant:** \_\_\_\_\_

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

Telephone (Office): \_\_\_\_\_

Email: \_\_\_\_\_

Telephone (Cell): \_\_\_\_\_

Email: \_\_\_\_\_

**Defendant Attorney:** \_\_\_\_\_

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

**Defendant:** \_\_\_\_\_

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

Telephone (Office): \_\_\_\_\_

Email: \_\_\_\_\_

Telephone (Cell): \_\_\_\_\_

Email: \_\_\_\_\_

**Please note:** Cell phone and email information are for court purposes only.

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