

INFORMATION REGARDING SERVICE IN SMALL CLAIMS ACTIONS

M.R.S.C.P. 4

Statement of Claim

1. Attached you will find a Statement of Claim and two (2) copies of the Acknowledgment of Service. You will need to fill out the forms completely. Before you file the Statement of Claim with the District Court clerk, you can attempt to serve the defendant by mail. Do this by mailing a copy of the Statement of Claim (with any attachments) and both copies of the Acknowledgment to the defendant. You must also include a stamped envelope that is addressed to you, the plaintiff, in the materials that go to the defendant. This is for the defendant to mail you back one of the acknowledgment forms (the other copy is for the defendant to keep). When you receive the signed acknowledgment form from the defendant, file it with the original Statement of Claim with the District Court clerk, along with a check/money order made out to *Maine District Court* in the amount of \$70.00.¹ If you want to pay in cash or credit card, you can make the filing in person at the court.

Please note: If you receive a signed Acknowledgment, **you must file these papers with the court within twenty (20) days** of the date that the acknowledgement was signed by the defendant.

If you do not receive the acknowledgment form within twenty (20) days of the day you mailed the Statement of Claim to the defendant, it means that service has failed and you must serve the defendant another way.

2. You may send the copy of the Statement of Claim (with any attachments) to the defendant first class, postage prepaid, registered or certified, **restricted delivery**, return receipt requested. You will have to get the necessary forms for this type of mail at the post office. You should advise the post office that when the Statement of Claim is delivered, the defendant must sign the green card and the signed copy must be mailed back to you. You then must file the original of the Statement of Claim, the filing fee, and green card with the signature of the defendant on it with the clerk **within twenty (20) days of the date on which the post office delivered the Statement of Claim.**

If either one of the two methods above do not work, you then must arrange with the sheriff's office to have service made by a deputy. For deputy service you must give the sheriff's office the original and a copy of the Statement of Claim. You should also keep a copy for yourself. The deputy will give the defendant the copy and fill out the return of service on the original and return that to you. You must file the original with the return of service **with the clerk within twenty (20) days of the service with the filing fee.**

Please note: If you do not attempt service by methods #1 or #2 before having the sheriff make service, the judge may consider reducing the costs recoverable by the you, the plaintiff, if the service costs are high.

Notice of Disclosure Hearing

These same instructions apply to disclosure hearings with two differences. Before you serve the Notice of Disclosure Hearing on the debtor, you must ask the clerk of the court for a date a time for the hearing and enter that date and time on the Notice. You then serve the Notice of Disclosure Hearing on the debtor as stated above. Also, **service must be made at least seven (7) days before the disclosure hearing.** Once service has been completed, you must file it with the court with the filing fee.

¹ If you are a person bringing an action as an attorney whose principal activities include collecting debts as an attorney on behalf of and in the name of clients, or if you are a debt-collector pursuant to 32 MRS § 11002(6), the filing fee is \$197.00. A surcharge of \$127.00 is included along with the ordinary small claims filing fee.

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.