

## MAINE JUDICIAL BRANCH

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

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 Residential Complaint for Forcible Entry and Detainer (form CV-007). Forms can be found on the Judicial Branch website here: [www.courts.maine.gov/forms](http://www.courts.maine.gov/forms). 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 on 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. Please note: there is not a court form for a Complaint for Forcible Entry and Detainer for a commercial lease/property.

3) For residential evictions, obtain a Residential Forcible Entry and Detainer (Eviction) Information Sheet and Mediation Request (form CV-256) from the clerk or from the Judicial Branch website: [www.courts.maine.gov/forms](http://www.courts.maine.gov/forms).

4) Obtain a Forcible Entry and Detainer Summons (form CV-034) from the clerk for each tenant. You will be charged for each 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.

5) Ask the clerk in the court where the hearing will take place for the dates of the next Forcible Entry and Detainer hearings. You will need to choose a date to complete the Forcible Entry and Detainer Summons. If the clerk indicates that the hearing will be held remotely, this information must be notated on the summons. Remember that you must have the summons served on the Defendant at least seven (7) days before the date of the hearing.

6) Take a copy of your complaint, a copy and the original of the summons, and the Residential Forcible Entry and Detainer (Eviction) Information Sheet and Mediation Request (CV-256) 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.

7) File the Notice to Quit (if required); the original summons; the original complaint; and the return of service with the clerk to initiate the case at least one (1) business day before the hearing. This means that if the hearing 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 may be dismissed and you will have to start over.

**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).

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

You have been served with an eviction notice **OR** a court 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 go to court on the date your case is scheduled, you will likely lose your case and have to move out of your home.**

#### HELP AND INFORMATION:

##### **Legal Help – You might be able to get free help from a lawyer:**

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

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

- PTLA holds a free information session about the eviction process in Maine every Tuesdays at 9:00 am. Go to [ptla.org/fed](http://ptla.org/fed) for phone or internet options to learn more about the eviction process in Maine.

#### NOTICE TO QUIT OR NOTICE TO TERMINATE

The “notice to quit” or “notice to terminate” is the first step a landlord must take to start an eviction case against you. Once the notice period ends, your landlord may file an eviction case (called a “forcible entry and detainer” case) against you by having a sheriff give you a summons and complaint that tells you when to come to 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 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 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. You can ask for mediation before the hearing date using the Request for Mediation Form (see next page). You can also ask for 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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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 options for agreement are: a payment plan for back rent to keep a tenant in the rented home, setting a move-out date, a plan for repairs, a reasonable accommodation for a disability, or some other 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 lawyer if you have one, the landlord and the landlord’s lawyer if they have one. Others might also be present for support.

How to ask for mediation:

If you would like to mediate your case, send or bring the Request for Mediation form below to the court. You can also write a letter to the court. You can 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

Personal information in this form will be used only for court purposes and will not be shared with the public.

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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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\_\_\_\_\_  
Plaintiff  
V.

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):

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

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.

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



Plaintiff  Attorney for Plaintiff

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Bar Number (if applicable)

**Plaintiff Attorney:**

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

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

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

**Plaintiff:**

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

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

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

**Defendant Attorney:**

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

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

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

**Defendant:**

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

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

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

**Defendant Attorney:**

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

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

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

**Defendant:**

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

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

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

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

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