

Instruction for filing a Forcible Entry and Detainer Action

- 1) Usually, but not always, to evict a tenant from your property you may have to first serve that tenant with a written Notice to Quit. A Notice to Quit may be written by a lawyer, by you, or you may buy a 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 as well as strict notice, timing and language requirements. If you need more information, please see Title 14 of the Maine Revised Statutes Annotated, §§ 6001-6016 or hire a lawyer.
- 2) Prepare a Complaint for Forcible Entry and Detainer, CV-007. You are the Plaintiff, and your tenant is the Defendant. 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. You will be charged for this form. When filling out this form, 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 hearings. You need this date to complete the Forcible Entry and Detainer summons. Remember that you must have the summons served on the Defendant at least **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 the Defendant. The Sheriff's Department will charge you for serving the 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 and 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 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 will be dismissed and you will have to start over.

IF YOU HAVE ANY OTHER QUESTIONS, CONTACT AN ATTORNEY.