

MAINE JUDICIAL BRANCH

Instructions for filing a Summary Recovery of Personal Property Case 14 M.R.S. § 7071(2)

PLEASE NOTE: These instructions are to be used in place of CV-182 while COVID-19 procedures, the Pandemic Management Orders (PMOs), and/or the Phased Management Plan (PMP) are in effect.

COVID-19 procedures, Pandemic Management Orders (PMOs), and the Phased Management Plan (PMP) can be found on the Judicial Branch website: www.courts.maine.gov/covid19.shtml. The executive orders of the Governor can be found on the State of Maine: www.maine.gov/governor/mills/official_documents.

On or after July 21, 2020 a Recovery of Personal Property packet will include the following:

- Instructions for Filing a Summary Recovery of Personal Property Case;
- Complaint for Recovery of Personal Property (Summary Process) (CV-183);
- Recovery of Personal Property Summons (Summary Process) (CV-184) (there is a \$5.00 fee for this form);
- Two copies of the Recovery of Personal Property Information Sheet regarding what to expect at court and available services (one to be kept by you and one to be served on the defendant). You will need to write the phone number of the [District Court](#) where you are filing the Recovery of Personal Property action in two places on the information sheet;
- Two copies of the Instructions for Accessing a Court Hearing Using Google Meet (one to be kept by you and one to be served on the defendant).

For cases with more than one defendant, you may request additional copies of the Information Sheet and Instructions from the Clerk of the District Court or you may make copies.

1) Complete a Complaint for Recovery of Personal Property (Summary Process), (CV-183). Forms can be found on the Judicial Branch website here: http://www.courts.maine.gov/fees_forms/forms/index.shtml#cv. You are the Plaintiff, and the person in possession of your personal property is the defendant. Once you complete the Complaint, date and sign it.

2) Obtain a Recovery of Personal Property Summons (Summary Process) (CV-184) from the Clerk of the District Court. When filling out the Summons, make sure that you fill in the description of the personal property you want to recover.

3) Ask the Clerk of the District Court for the dates of the next Recovery of Personal Property status conferences. To complete the Summons, you will need to choose a status conference date. Remember that you must have the Summons served on the Defendant at least seven (7) days before the date of the status conference.

4) Make copies of the completed Complaint and the Summons, both for your records and for service on the Defendant. For cases with more than one defendant, make copies for each Defendant. Please write "Copy for Service" on any copies to be served on the Defendant.

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.

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5) Take the following documents to the Sheriff's Department for service on the Defendant:

- a copy of the completed Complaint;
- the Recovery of Personal Property Information Sheet;
- the Instructions for Accessing a Court Hearing Using Google Meet;
- a copy of the Summons;
- the original Summons.

After the Service is completed, the Sheriff's Department will return to you the original Summons, as well as a completed return of service that has been filled out by a deputy.

6) You must file the original Summons; the original Complaint; the completed return of service and your filing fee with the Clerk's Office. You are encouraged to do so at least two (2) business days before the hearing.

IF YOU HAVE QUESTIONS, PLEASE CONTACT AN ATTORNEY.

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Plaintiff
V.

Defendant

DISTRICT COURT
Location (Town): _____
Docket No.: _____

COMPLAINT FOR RECOVERY OF PERSONAL PROPERTY
(SUMMARY PROCESS)
14 M.R.S. § 7071

NOW COMES the Plaintiff _____ (through his/her attorney), and states as follows:

1. Plaintiff has a right, title or interest in personal property located at _____, Maine;

2. The personal property in which Plaintiff has a right, title or interest is: _____

(include description specific enough to identify the property, including applicable make, model and serial number or other identifying information)

3. Defendant, _____, is currently in possession of said property; and

4. Defendant has unlawfully refused to return the personal property.

WHEREFORE, Plaintiff demands Judgment for possession of said personal property and requests that this Court issue a Writ of Possession directing the Sheriff to cause Plaintiff to have possession of the above-described personal property located at _____, Maine, and for such other relief as the Court deems appropriate.

Date (mm/dd/yyyy): _____

▶ _____
Plaintiff
Attorney at Law (Bar Number) _____

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STATE OF MAINE

Recovery of Personal Property Information Sheet

You have been served with a summons and complaint in a case brought against you by someone (“the plaintiff”) seeking the return of personal property said to be in your possession or under your control. Please read this form to understand the court process and how to defend yourself in your case.

If you do not take action in this case, you could lose possession of the personal property in dispute in this case. You have the right to be represented by an attorney, but the court will not provide you with an attorney for this type of case. You can hire an attorney or, if you qualify, you may be able to get free legal help. Contact information for free legal help is given below. **To ask for free legal help, please contact one of these legal service groups as far ahead of your court date as possible.**

Court Proceedings

Step One: Telephonic Status Conference - The first court event in this case is a telephone conference. The Summons and Complaint or the Scheduling Notice received with this Information Sheet tells you the date and time of the phone conference and the number to call. All court notices are sent to the address listed on the complaint. **If you get your mail at a different address you should tell the Court right away.**

When you call, you will meet by phone with a judge and the other party, or the other party’s attorney, or both. At the phone conference, the judge will talk with both sides to decide what happens next in your case. If you and the other party have an agreement, this call is the time to talk about that agreement with the judge. If you do not have an agreement, the judge may schedule the case for mediation or a hearing. You may tell the court if you prefer to attend future court events by phone or by video.

Step Two: Mediation - Mediation is a process where a person approved by the court tries to help the parties come to an agreement. This person is called a mediator. A mediator is trained to work with parties to reach an agreement without taking sides. Mediation is held by phone or by video. Mediation might not be scheduled in all cases for recovery of personal property.

Step Three: Hearing - If your case is scheduled for a hearing, the court will send you a notice with the date and time for that court event. Most hearings will be in person at the courthouse, unless you and the other party agree, or one of you asks, to attend remotely by phone or video, and the judge approves your agreement or one party’s request. If you want to attend remotely, but cannot send a written request, please call the court at 207 ____ - ____.

Legal Help Available: You may seek free legal assistance by calling:

Pine Tree Legal Assistance (free for low income tenants):

207-774-8211 during the following hours:

Monday	12:00- 2:30
Tuesdays	9:00 – 11:30
Thursday	9:00 – 11:30
Friday	9:00 – 11:30

Legal Services for the Elderly (free for those 60 and older)

1-800-750-5353

Weekly Information Session: Pine Tree Legal Assistance holds weekly eviction information sessions. Join to learn more about the eviction process in Maine.

When: Tuesdays at 9:00 am.

To Join:

- (a) Go to ptla.org/fed for telephone or internet/video options OR
- (b) Install the Zoom app on your smartphone and scan this code with your smartphone camera:



When you scan this code, you will be asked for your name and email address. No-one will use that information for any purpose, and it will not be tracked in anyway.

Questions about the above, or need an interpreter? Call the court at ____ - ____.

Instructions for Accessing a Court Hearing Using Google Meet

Google Meet will allow access to court hearings through videoconferencing and telephonic calls.

1. For video conferencing, Google Meet can be installed as an application from a smartphone or using your computer's web browser.
- 2. Please test your ability to use Google Meet on your phone or computer before the time of your hearing.**
3. At the time of your hearing, open Google Meet. **It is recommended that you use headphones with a microphone** because your computer microphone picks up ambient noises.
4. Open Google Meet. **Enter the code provided on your notice.**
5. By computer: <https://meet.google.com/xxx-xxxx-xxx>
6. By smartphone: xxx-xxxx-xxx
7. If you are using a computer, allow your computer to use the microphone and camera.
8. Your call will ring and the clerk will accept your call.
9. If you enter the call before your hearing time, or if another case is being heard, please mute your microphone until your case is called.
10. To mute your microphone, hover over the image on the screen at the bottom of the screen - this menu will pop up at the bottom:



11. Click the microphone to mute, the microphone will turn red with a line crossing through the microphone when you are muted.



12. When your case is called, click the microphone again to unmute.
13. To hang up the call, use the same menu at the bottom of the screen and click the red phone icon.



14. If you don't have access to a computer or otherwise want to join by telephone call, dial the number provided to you on your notice.
15. If you enter the call before your hearing time, or if another case is being heard, please mute yourself from your phone if you have the ability until your case is called.

