

RULE 10. FORM OF PLEADINGS

(a) Caption; Names of Parties. Every pleading shall contain a caption setting forth the name of the court, the county in the Superior Court, the location of the District Court, the title of the action, the docket number, and a designation as in Rule 7(a). In the complaint the title of the action shall include the names of all the parties, but in other pleadings it is sufficient to state the name of the first party on each side with an appropriate indication of other parties. Each pleading shall be dated. If a pleading contains a claim or defense involving title to real estate, the words "TITLE TO REAL ESTATE IS INVOLVED" shall be included directly beneath the designation of the pleading.

(b) Paragraphs; Separate Statements. All averments of claim or defense shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances; and a paragraph may be referred to by number in all succeeding pleadings. Each claim founded upon a separate transaction or occurrence and each defense other than denials shall be stated in a separate count or defense whenever a separation facilitates the clear presentation of the matters set forth.

(c) Adoption by Reference; Exhibits. Statements in a pleading may be adopted by reference in a different part of the same pleading or in another pleading or in any motion. A copy of any written instrument which is an exhibit to a pleading is a part thereof for all purposes.

Advisory Committee's Notes May 1, 2000

In subdivision (a) the dating requirement is changed from referencing the complaint to referencing each pleading. Subdivision (d), adopted by the MEJIS rules is eliminated because in substance it is moved to Rule 5(h).

Advisory Committee's Notes June 2, 1997

Rule 10(a) is amended to require that the caption identify the location rather than the division of the District Court in which the action is filed. Few litigants are aware of the locations of the District Courts by division, as opposed to the city or town in which the court is located. This amendment promotes a clear

understanding of the location at which filings are to be made and hearings are to be attended. Thus, the amended rule is satisfied, for example, by substituting “Portland” for “Division of Southern Cumberland” in the caption.

Advisory Committee’s Notes
1992

Rule 10(a) is amended to implement P.L. 1991, ch. 125, which enacted 14 M.R.S.A. § 2401(2), effective January 1, 1992, requiring clerks to identify cases affecting title to real estate on the docket. A reference to the amended rule is incorporated in the instructions to the Caption section of the Appendix of Forms by simultaneous amendment.

The amendment places the burden for identifying real estate cases on the attorneys filing the pleadings. The rule applies to any pleading asserting a claim or defense in which title is involved. The statute provides that such cases include but are not limited to partition actions, boundary and access disputes, insolvency proceedings, mortgage foreclosures, declaratory judgment actions, actions commenced by attachment, actions to enforce mechanics’ liens, dissolutions, and actions to acquire title. Many divorce actions will also be included. A failure to comply with this provision is curable by amendment and does not affect the validity of a judgment obtained in the action.

Advisory Committee Notes
December 1, 1959

Rule 10(a) was amended November 2, 1959, effective December 1, 1959, to assure that the complaint be dated, in view of the references in Rules 4A(c) and 4B(c) to the date of the complaint.

Reporter's Notes
December 1, 1959

This Rule is substantially the same as Federal Rule 10.