

service (keep one copy for yourself). It's up to the landlord to make sure the sheriff has unimpeded access to the front door of the unit to be able to serve the papers on the tenant.

If the sheriff tries three times on 3 separate days and can't serve the tenant, the sheriff can leave a copy at the home. The papers will also have to be mailed USPS first class. The sheriff will either mail the papers or let you know you need to do so. Either way you'll need to file an affidavit (a sworn statement) to show service was made this way. Use form CV-204 to do this.

Remember you need to have the sheriff serve, each defendant with all four forms at least 7 days before the hearing date.

"Return of service" is how you tell the court that the defendant was served.

Step 4. File with the Court

At least 1 business day before the hearing, file:

- The Notice to Quit and
- The original complaint and
- The original summons for each defendant, with the return of service (the paper signed by the sheriff showing he gave the paperwork to the tenant, or CV-204, with attachment, to prove the tenant was served) and
- The filing fee of \$100.

Step 5. Go to the Hearing

Go to the hearing even if your tenant doesn't. You will get more instructions from the judge at the hearing. Mediation is available at the court on the day of hearing at no additional cost.

If you win in court

If the judge decides in your favor, you will be entitled to a judgment for possession of the premises and a "writ of possession." Unless the tenant pays the back rent and any costs and fees owed, the law allows the writ to issue 7 days after judgment enters. If the tenant has not moved out by that time, you need to purchase the writ from the clerk and hire a sheriff to serve the writ on the tenants. After the writ is served, the tenant will have 48 hours to move out.

In court, many cases are decided by agreement of the parties. A mediator is available to meet with the landlord and tenant to talk about how they might settle the case. Often tenants agree to move out by a certain date, and landlords dismiss the case or ask the court to continue the case to a future date and leave open the option to seek a judgment if the tenant has not moved out as agreed. If the case settles, landlords often do not need to get a writ and have it served, and might not need to get a judgment against the tenant.

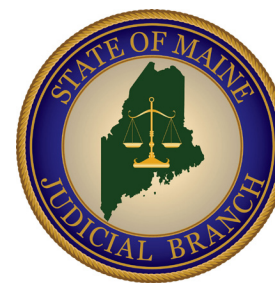
Other bases for eviction

Other reasons for eviction are in the Maine Revised Statutes, Title 14, Chapter 709.

Back rent

Eviction is a process to get a tenant to leave the rental unit. It is not a process to collect back rent. To collect back rent you would need to file a separate case. This is often done in Small Claims Court.

For more information about eviction visit
www.courts.maine.gov/help/eviction



Evicting a Tenant from a Residence for not Paying Rent

www.courts.maine.gov

How to evict a tenant from a residence for not paying rent

In Maine eviction is called “Forcible Entry & Detainer” or “FED” and not paying rent is “non-payment.” There may be other grounds to evict a tenant; this flyer only deals with nonpayment of rent for residential tenants. If there is a lease in effect you will need to follow the terms of the lease as well as complete the following steps.

If you are a landlord (plaintiff), take these steps to get a judgment to evict a tenant for not paying rent.

Step 1. Notice to Quit

This notice tells the tenant that rent is past due and they need to pay by a stated deadline or face eviction. If you have a lease, you need to prepare and serve the notice as required by the lease.

7-Day Notice to Quit (14 M.R.S. § 6002(1)):

Unless the lease states otherwise, if a tenant is at least 7 days late paying rent, a 7-day notice to quit gives them 7 days to pay, warning that if they don’t pay what they owe, you will take them to court to evict. Maine law provides, however, that if the tenant does pay the amount due within 7 days, the Notice to Quit is void (no longer in effect).

Contents of the 7-day Notice To Quit: Include the following in the notice:

- That rent is 7 days or more past due
- The amount of rent that’s 7 days or more past due
- That the tenant has the right to contest the eviction in court

- The statement: “If you pay the amount of rent due as of the date of this notice before this notice expires, then this notice as it applies to rent arrearage is void. After this notice expires, if you pay all rental arrears, all rent due as of the date of payment and any filing fees and service of process fees actually paid by the landlord before the writ of possession issues at the completion of the eviction process, then your tenancy will be reinstated.”

Service of the Notice to Quit: To serve the notice, you or anyone acting on your behalf as landlord can give the notice to the tenant. If three good faith efforts have been made to serve the tenant by hand the notice can be served by both mailing the notice to the tenant and leaving a copy of the notice at the rental unit (neither of these, alone, is enough).

Step 2. Court Forms

Four court forms are needed to bring an eviction case in court. You can get these forms from a district court clerk or download them from www.courts.maine.gov/forms.

Complaint (form CV-007): The “Complaint for Residential Forcible Entry and Detainer” is used for a residential eviction. **Important: Include names of all tenants** on the lines for Defendant(s)”. If there are more people in the home other than the named tenants, put “and all other occupants” on the form.

Summons (form CV-034): The “FED Summons” tells the tenant(s) when to come to court (the hearing date). You must get a separate summons for each defendant from the clerk’s office for \$5

each. The hearing date might be printed on the summons, but if not, ask the clerk for the date and write it on the summons when you fill it out.

Information Sheet (form CV-256): The “Residential Forcible Entry and Detainer (Eviction) Information Sheet and Mediation Request” must be served with each complaint and summons. You do not need to write any information on the form.

Notice Regarding Electronic Service (form CR-CV-FM-255): The “Notice Regarding Electronic Service” gives the other party the chance to agree to send notices about the case by email. Write your name as the “Plaintiff” and the name of the tenant as the “Defendant.”

Important: Plan ahead! The hearing date on the summons must be at least 7 days after the date the tenant gets the complaint, summons, information sheet, and notice regarding electronic service (date of service). Be sure to plan when the tenant will be served and ask for a hearing date 7 days or more after that date.

Step 3. Service

“Service” of these four court forms is how you give notice to the tenant that the eviction is proceeding to court. This service should only take place after the notice to quit period has ended. Please note that unlike service of the notice to quit, to serve the summons, complaint and additional court forms, a sheriff is needed.

Go to a sheriff for the county where the home is to serve the tenant. For each tenant, give the sheriff two copies of the complaint, summons, information sheet and notice regarding electronic