

STATE OF MAINE

DISTRICT COURT

_____ COUNTY, SS.

LOCATION: _____

DOCKET # _____

PLAINTIFF

v.

DEFENDANT

REQUEST THAT THIS CASE BE DISMISSED BECAUSE THE PLAINTIFF FAILED TO BRING A WITNESS WITH PERSONAL KNOWLEDGE ABOUT MY CASE AND HAS FAILED TO PROVIDE THE COURT WITH A WRITTEN DOCUMENT THAT IS SWORN TO BE TRUE THAT COMPLIES WITH 16 M.R.S. § 355

The Defendant(s) requests that Plaintiff's small claims complaint be dismissed for the following reasons:

1. The Plaintiff has brought a case against the Defendant in Small Claims Court.
2. The statement of claim says that the Defendant has failed to pay a debt.
3. The Plaintiff has purchased the debt from someone else.
4. The Plaintiff has failed to bring a witness with personal knowledge about this case.
5. The Plaintiff has failed to submit a sworn document that is necessary to establish a prima facie case according to of 16 M.R.S. § 355. According to this law the sworn document must be an itemized account that is a detailed and specific statement of items of debt and credit arising according to the contract. The sworn document must also include a statement that the prices charged are just and reasonable. (A copy of this law is attached).
6. I deny that I owe the money claimed by the Plaintiff in its complaint.
7. This case must therefore be dismissed.

DATE: _____

Defendant

§ 355. Affidavit of plaintiff as prima facie evidence

In all actions brought on an itemized account annexed to the complaint, the affidavit of the plaintiff, made before a notary public using a seal, that the account on which the action is brought is a true statement of the indebtedness existing between the parties to the action with all proper credits given and that the prices or items charged therein are just and reasonable shall be prima facie evidence of the truth of the statement made in such affidavit and shall entitle the plaintiff to the judgment unless rebutted by competent and sufficient evidence. When the plaintiff is a corporation, the affidavit may be made by its president, vice-president, secretary, treasurer or other person authorized by the corporation.

16 M.R.S.A. § 355, as amended