

STATE OF MAINE

SUPERIOR COURT

PENOBSCOT \_\_\_\_\_, ss

Docket No. CV-19-\_\_\_\_\_

DISTRICT COURT

Location \_\_\_\_\_

Docket No. \_\_\_\_\_

CITY OF OLD TOWN

Plaintiff

v.

JAMES A. MITCHELL, et. al.

Defendant

**MOTION FOR SERVICE BY  
ALTERNATE MEANS AND  
AFFIDAVIT (M.R. Civ. P. 4(g))**

Check only ONE option:

I am requesting the court to allow me to:

1.  Leave a copy of the order authorizing service by alternate means, the summons, and the complaint at the party's house or usual address. The address is \_\_\_\_\_

OR

2.  Publish for three consecutive weeks in the BANGOR DAILY NEWS, a newspaper of general circulation in the county or municipality that will most reasonably provide actual notice of this case.

OR

3.  Another means not prohibited by law (please specify): \_\_\_\_\_

Check ALL boxes that apply. The undersigned, being duly sworn, states as follows:

1.  I mailed a copy of the summons and complaint, with a self addressed stamped envelope and *Acknowledgment of Receipt of Summons and Complaint or Post-Judgment Motion (CV-036)* to \_\_\_\_\_ at \_\_\_\_\_  
I waited 20 days after the date of mailing and did not receive the acknowledgment back.
2.  The Sheriff's Department of \_\_\_\_\_ County attempted to serve the party, but was not able to do so. The Sheriff's Department has provided me with a written statement concerning attempts made to serve the party, a copy of which is attached hereto and incorporate by reference herein.

3. FAMILY MATTERS ONLY  
 I mailed a copy of the summons and complaint by registered or certified mail, to \_\_\_\_\_ with restricted delivery and return receipt requested to the other party.

4.  I have not attempted service on the other party because I do not know their current address. Their last known address is my current address.

5.  I have checked publicly available databases in the area the other party is most likely to be found, including:  
 Tax Records  Criminal History Records  
 Voting Rolls  Telephone Directories  
 Motor Vehicle Registry Records  Other REGISTRY OF DEEDS

6.  I have checked with private sources to locate the other party's current address, including:  
 Known Relatives  Former Employers  
 Former Educational Institutes  Former Neighbors  
 Other \_\_\_\_\_

7.  I have not seen, heard from, nor had contact with the party to be served since approximately \_\_\_\_\_.

8.  I have also tried to locate the other party by: WHEN PROCEEDING WITH THE PROCEDURE FOR EMINENT DOMAIN, NOTICE WAS PROVIDED TO THE COMMUNITY VIA THE TOWN COUNCIL AGENDA. NO DEFENDANT CAME FORWARD TO CHALLENGE THE TAKING.

9.  To my personal knowledge, the other party is not in the Military Service of the United States, as defined in the Servicemember's Civil Relief Act of 2003 (50 App USC §511). I believe this because: EXCLUDING MR. MITCHELL, THE IDENTITY AND/OR PHYSICAL LOCATION OF THE OTHER DEFENDANT(S) CANNOT BE ASCERTAINED. THE DEFENDANT(S) ARE UNKNOWN AND BELIEVED TO BE FICTICIOUS.

10.  The requested method of service I chose is most likely to provide actual notice to the other party about this case.

Date: November 11, 2019

*Edmond J. Bearor*  
 \_\_\_\_\_  
 Signature of (Plaintiff)(Defendant)

Personally appeared the above named EDMOND J. BEAROR and made oath that the foregoing statements voluntarily made and signed are true.

Date: November 11, 2019

*Lynn E. Brochu*  
 \_\_\_\_\_  
 Clerk/Notary Public/Maine Licensed Attorney

**LYNN E. BROCHU**  
 Notary Public - State of Maine  
 My Commission Expires July 17, 2023