

STATE OF MAINE
_____, ss.

DISTRICT COURT
LOCATION _____
DOCKET NO. _____

_____,
Plaintiff,

v.

_____,
Defendant.

**ANSWER, AFFIRMATIVE DEFENSES,
AND REQUEST FOR MEDIATION
(Title to Real Estate Involved)**

ANSWER

1. I admit that I signed a note and mortgage.
2. I am without knowledge as to whether the Plaintiff is the lawful holder of the Note or the Mortgage. Therefore, I deny the allegation.
3. I am without sufficient knowledge as to whether the amount demanded as amounts due is accurate. Therefore, I deny the allegation.
4. I admit receiving a default notice. I am without knowledge as to whether the default notice is lawful. Therefore, I deny that the default notice is lawful.
or
 I deny receiving a default notice.
5. I admit receiving the Complaint. I am without knowledge as to whether the Plaintiff, as required by 14 M.R.S.A. § 6321 et. seq., has both certified proof of ownership of the Note and provided evidence of the Mortgage, Note and all assignments and endorsements of the Note and Mortgage. Therefore, I deny the allegation.
6. I deny violating the terms of the Mortgage and/or Note.

AFFIRMATIVE DEFENSES

7. I repeat, reallege and incorporate by reference paragraphs 1 through 6.

FIRST AFFIRMATIVE DEFENSE

8. Plaintiff's complaint fails to state a claim upon which relief can be granted by this Court because Plaintiff failed to comply with the notice and right to cure provision in 14 M.R.S.A. § 6111.

SECOND AFFIRMATIVE DEFENSE

9. Plaintiff's complaint is subject to the defense of estoppel.

THIRD AFFIRMATIVE DEFENSE

10. Plaintiff's complaint is subject to the defense of duress.

FOURTH AFFIRMATIVE DEFENSE

11. Plaintiff's complaint is subject to the defense of unclean hands.

FIFTH AFFIRMATIVE DEFENSE

12. Plaintiff's complaint is subject to the defense of illegality.

SIXTH AFFIRMATIVE DEFENSE

13. Plaintiff's complaint is subject to the defense of accord and satisfaction.

SEVENTH AFFIRMATIVE DEFENSE

14. Plaintiff does not have standing to bring this complaint.

Other:

WHEREFORE, Defendant prays that the Complaint be dismissed, for their costs, and for such further relief as the nature of the case may require.

REQUEST FOR MEDIATION

I hereby request mediation. The complaint for foreclosure was filed in this case after January 1, 2010. This case involves a residential loan. I am the owner and I live in the property. I am therefore entitled to mediation.

Date: _____

(Signature)

(Print Name)

(Address)

(Phone Number)

CERTIFICATE OF SERVICE

I hereby certify that I have delivered a copy of this Answer and Affirmative Defenses by mailing a copy to the Plaintiff's lawyer.

Date: _____

(Signature)