**Motion to Dismiss**

**COMMONWEALTH OF MASSACHUSETTS  
TRIAL COURT**

{{ county }}, ss {{ court }}

DOCKET NO:

{{ landlord\_name }},

**Plaintiff – Landlord(s)**

vs. **Motion to Dismiss**

{{ tenant\_name }}

**Defendants(s) - Tenants**

The Defendant moves in this summary process action that the Plaintiff’s claim for possession be dismissed because:

1. {%p if paid\_all\_rent\_owed %}
2. I have paid rent or tried to pay the landlord and therefore the landlord cannot terminate my tenancy with a 14-day Notice to Quit.
3. {%p endif %}
4. {%p if rent\_cured %}
5. I "revived" my tenancy by paying all the rent "owed" within the time the law allows.
6. {%p endif %}
7. {%p if accepted\_rent\_after\_ntq %}
8. The landlord accepted my rent without reservation after service of Notice to Quit, creating a new tenancy, and, therefore, is barred from recovering possession of premises, G.L. c. 239, §1.
9. {%p endif %}

**Certificate of Service**

I hereby certify that I {{ method\_of\_service }} a copy of this document to the landlord or his/her lawyer on **{{ service\_date }}**.

{{ tenant\_name }}, DEFENDANT

{{ tenant\_signature }}

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

{{ street }} {{ city }}, {{ state}} {{zipcode}}

{{telephone}}