*(Please type or print)*

**COMMONWEALTH OF MASSACHUSETTS   
TRIAL COURT**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **a.** | **{{county}}** | | , ss: |  | | **e.** | **{{court}}** |
|  | County | |  |  | |  | Name of Court |
|  |  | |  |  | | **f.** | **{{docket\_number}}** |
|  |  | |  |  | |  | Summary Process Docket No. |
| **b.** | **Trial Date** | |  | | --- | | Original Trial Date: {{original\_date}}  (No Discovery requested)  Rescheduled Trial Date: {{rescheduled\_date}}  (Discovery requested) | | | | | | |
|  |  |
| **c.** | {{landlord\_name}} | | | |  |  |  |
|  | Plaintiff(s) – Landlord(s) | |  | |  | **MOTION TO DISMISS** | |
|  | vs. | |  |  | |
| **d.** | {{tenant\_name}} | | | |  |
|  | Defendant(s) – Tenants(s) | |  | |  |  |  |

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

1. {%p paid\_or\_tried\_paying\_rent %} 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. {%p endif %}
2. {%p paid\_rent\_owed %} I "revived" my tenancy by paying all the rent "owed" within the time the law allows. {%p endif %}
3. {%p accepted\_rent\_after\_ntq %} 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. {%p endif}

**Notice of Hearing**

This Motion to Dismiss is scheduled for a hearing on (the original trial date or other date scheduled by the court): {{hearing\_date}}

**Certificate of Service**

I delivered or mailed *(circle which one applies)* a copy of the Motion to Dismiss to my landlord or his/her lawyer on {{service\_date}}

{{tenant\_signature}}

Signature of Tenant

{{tenant\_name}}

Tenant's Name (print)

{{street}}

Address

{{city}} {{state}} {{zipcode}} {{telephone}}

City State Zip Telephone Number