**COMMONWEALTH OF MASSACHUSETTS**

**TRIAL COURT**

**{{ trial\_court }}**

**{{ trial\_court.address.county}}, ss. Docket No. {{ docket\_number }}**

**{{ other\_parties }},**

**Plaintiff/Landlord**

**v.**

**{{ users }},**

**Defendant/Tenant**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/**

**MOTION TO STAY EXECUTION**

The tenant in this case requests this Court to stay the issuance of execution under M.G.L. c. 239, §§9 and 10, applicable rules, and the court's equitable powers.[[1]](#footnote-1)

**{%p if emergency==true%}**

**Emergency Motion for Temporary Stay of Execution Pending a Hearing**

**I received a notice that a constable or sheriff will move me from my home on {{ move\_date }} at {{ move\_time }} and I request that the Court immediately stay issuance or use of execution pending a hearing and decision on this Motion.**

{%p endif %}

{%p if diligent == true%}

- The tenant has been unable to find a new place to live, despite diligent efforts as follows:

{{ efforts\_narrative }}

{%p endif %}

{%p if elderly == true%}

- Tenant or someone in his/her household is 60 years of age or older.

{%p endif %}

{%p if impaired == true%}

- Tenant or someone in his/her household has a physical or mental impairment.

{%p endif %}

{%p if hardship == true%}

- It would be a special hardship to move now, because:

{{ hardship\_narrative }}

{%p endif %}

{%p if other == true%}

- Other relevant factors that I would like the Court to consider:

{{ Considerations\_narrative }}

{%p endif %}

**Clerk**: I request this motion to be heard on at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**Landlord**: Please take note that this Motion will be heard at the above time.

**CERTIFICATE OF SERVICE**

I, {{ users }}, hereby certify that on {{ signature\_date }}, a copy of the Motion to Stay Execution was served on {{ other\_parties }}{% if delivery\_mode == ‘hand’ %} in-hand. {% endif %}{% if delivery\_mode == ‘mail’ %} by mail at {{ other\_parties[0].address.on\_one\_line() }}. {% endif %}

{{ format\_date(today()) }} {{ users[0].signature }}

Date Signature

1. Pursuant to *LoRusso v. Talbot*, 1999 Mass. App. Div. 301, 304, "[w]hile it is within the judge's discretion to consider any hardship a stay may cause the landlord, the legislative purpose and policies underlying the above statutes [M.G.L. c. 239, §§9 and 10] appear to mandate a judicial thumb on the scale of any balancing of interests in favor of the tenant." [↑](#footnote-ref-1)