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| File a Motion to Stay of Execution |

Congratulations {{ users }}! You have finished all the forms you need to File a Motion to Stay of Execution. The rest of the pages in this packet are your motion {% if other\_parties.number() %} in {{ users }} v {{ other\_parties }}{% endif %}.

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## Next steps

1. Look over the forms below, one more time. Make sure everything is correct.
2. Make two copies of this motion. Keep one copy for yourself.
3. File this motion with the court now. Delivering the motion in-person to the court for filing is the fastest way to have it filed.
4. {% if defined('trial\_court.address.address') %} The address of your court, if you need it, is:   
   {{ trial\_court.address.on\_one\_line() }}.{% endif %} The sooner you file this form, the more likely it is that you will have a hearing before the landlord receives the Execution to move you out.
5. If you received a 48-hour notice of eviction from a sheriff or constable: When you bring this motion to court to file, tell the clerk you would like to speak to a judge right away or at least before you are moved out.
6. When you deliver this form to the court, ask the clerk how and when a hearing can be scheduled and whether you or the clerk will put this in the motion form. If you are instructed to do so, fill in the date and time in the space indicated.
7. Deliver a copy to {{ showifdef('other\_parties[0]') }} or their attorney.

## What happens in the hearing?

1. Get to court on time. If you are not sure where your courtroom is, ask someone to assist you at the courthouse.
2. When your case is called, go up to the front and stand/sit where designated.
3. The judge reads the motion and may ask questions. The judge will probably want to know if:

* The eviction was not your fault
* You can pay rent
* You have not found a new place to live even though you have made diligent efforts
* There are special circumstances that are affecting you and your family

1. Tell the judge why you need a Motion to Stay of Execution. Tell the judge:

* The facts you wrote in your motion,
* Why you need more time to move,
* What you have done to find a new place, and
* How much time you need.

## If You Get the Stay of Execution

If you get a Stay of Execution, you do not have to move until the date stated in the court's order. If you are unable to find an apartment by this date and still need more time to move, ask for an extension on the Stay of Execution.

If you go back to the court to ask for more time, you will need to show the court that you have been making diligent efforts to find new housing but have not been successful. The best way to do this is to keep a record or log of your search efforts.

If you do get a Stay of Execution, you will usually be required to pay rent (or what the judge thinks is a fair value of your apartment) until you move.

## If You Do Not Get a Stay of Execution

If you do not get a Stay of Execution, move yourself and your belongings as soon as possible. At a minimum, move your most valuable belongings — what you need, important papers, and medications. As a last resort, try to negotiate with the sheriff or constable or your landlord for more time to move.

Otherwise, a landlord can move your belongings into storage. You will have to pay a lot of money to get your things out of storage, and you risk losing them forever.

The storage law requires a constable who is evicting you to move your belongings to a public warehouse that has been licensed by the Department of Public Safety to store items.

You have a right to have your belongings stored at a licensed public warehouse of your choosing, but it has to be within 20 miles of the place you were renting. You must notify the constable in writing at or before the time of removal of your property.

A list of public warehouses that comply with the eviction storage law is available online at:

www.mass.gov/eopss/consumer-prot-and-bus-lic/license-type/public- warehouse/public-warehouse-evictions.html

The storage law does not give you the right to choose to have your belongings stored at a self-storage facility or a friend or family’s house without the landlord’s permission. However, you can ask that the landlord voluntarily move your belongings to a place of your choosing so you do not have to pay storage fees. Again, the landlord must voluntarily agree to do this.