**THE COMMONWEALTH OF MASSACHUSETTS**

**The Trial Court**

**Probate and Family Court Division**

|  |  |
| --- | --- |
| **{{court\_county}}, SS** | {%tr for docket\_number in docket\_number %} |
|  | Docket Number: {{docket\_number}} |
|  | {%tr endfor %} |
| {{plaintiff}}, |  |
| Plaintiff |  |
|  |  |
| v. |  |
|  |  |
| {{defendant}}, |  |
| Defendant |  |
|  |  |

**{{user\_role}}’s Motion for {{opposing\_party\_role}} to Vacate {% if married\_to\_opposing\_party == True %} Marital {% endif %} Home**

{{users[0].name.full()}}, {{user\_role}} in this matter, requests an order that {{opposing\_party.name.full()}} be ordered {% if who\_lives\_at\_vacate\_address == ‘opposing party’ %} to leave and {% endif %} stay away from the residence located at {{vacate\_address.on\_one\_line()}}, in accordance with {% if married\_to\_opposing\_party == True %} G.L. c. 208, § 34B. {% else %} G.L. c. 209C, § 15. {% endif %}

In support of this motion, {{user\_role}} states that {{person\_in\_danger\_motion}} will be endangered or substantially impaired if {{opposing\_party.name.full()}} does not leave and stay away from the home. See Attached Affidavit, which is incorporated into this motion.

{% if emergency == True %} {{user\_role}} further asks this court to issue this order without advance notice to {{opposing\_party\_role}} because there is a substantial likelihood of immediate danger to {{person\_in\_danger\_motion}}. {% endif %}

Respectfully submitted,

{{date}}

{{users[0].signature}}

{%p if address\_secret %}

Address Impounded

{%p else %}

{{users[0].address\_block()}}

{%p endif %}

{%p if not address\_secret or (address\_secret and not phone\_number\_secret) %}

{{users[0].phone\_number}}

{%p endif %}

{{users[0].email}}

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| {{plaintiff}}, |  |
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| v. |  |
|  |  |
| {{defendant}}, |  |
| Defendant |  |
|  |  |
|  |

**{{users[0].name.full()}}’s AFFIDAVIT IN SUPPORT OF**

**Motion for {{opposing\_party\_role}} to Vacate {% if married\_to\_opposing\_party == True %} Marital {% endif %} Home**

1. {%p for paragraph in affidavit\_reviewed.split("\r") %}
2. {%p if paragraph %}
3. {{ paragraph }}
4. {%p endif %}
5. {%p endfor %}

Signed under the pains and penalties of perjury,

{{users[0].signature}}

{{users[0].name.full()}}

Date: {{date}}

{% if emergency == False %}

**CERTIFICATE OF SERVICE**

I, {{users[0].name.full()}}, certify that I served this motion on {{opposing\_party.name.full()}} by first class mail to {% if opposing\_party.has\_counsel %} {{opposing\_counsel.name.full()}} {{opposing\_counsel.firm}} {{opposing\_counsel.address.on\_one\_line()}}. {% else %} {{opposing\_party.address.on\_one\_line()}}.

{{users[0].signature}}

{Date: {date}}

{% endif %}

{% endif %}