**Next Steps For {{ users }} :**

**Print 3 Copies**

**Print 3 copies of this Motion**. The copies are for:

* 1. The Clerk at the {{ courts[0] }}. The courts address is {{ courts[0].address.county }} .
  2. The Plaintiff
  3. Keep one copy for your own records.

\*\* It is recommended that you hand-deliver all of these documents because mail will be too slow and most courts will require that you give at least 7 days notice!\*\*

**Deliver A Copy To The Plaintiff**

Before you deliver this motion to the Plaintiff indicate in **Section 7** of this motion, on all 3 documents, whether you:

* 1. Hand-delievered or Mailed this motion to you landlord; and
  2. Write the date that this action took place.

\*\* It is recommended that you hand-deliver all of these documents because mail will be too slow and most courts will require that you give at least 7 days notice!\*\*

**Deliver A Copy To The Court**

After you serve the Plaintiff, bring a copy to the court.

If you are also filing an Answer, attach a copy of the motion you will be delivering

**Schedule Your Motion for a Hearing**

**Schedule a New Court Date.**

It is important that you first contact the court and find out when they will allow you to schedule this motion hearing. (Some courts only allow them on certain days at certain times. Some courts also require that you give at least 7 days notice of when the hearing will take place. It varies from court to court)

Once you have determined when you can schedule your motion you need to fill out **Section 6** on all three copies of this document.

{% if counterclaim\_yesno %}

**File Your Answer**

1. **Filing an answer.**

IF you have not yet filed an answer to the court yet please bring**:**

1. **TWO ADDITIONAL COPIES OF THIS MOTION;** and
2. **TWO COPIES OF YOUR ANSWER** to the court.

{% else %}

{% endif %}

{% if sheriff\_notice %}

**Inform The Court of Your Notice of Removal**

**IF you have receieved a notice from a sheriff/constable about being removed from your home:**

Bring the page that says “**Emergency Motion for Temporary Stay of Execution   
Pending Further Hearing**” and introduce it as a separate motion.

{% else %}

{% endif %}

**What else should I do to prepare for my Motion?**

* Bring with you to the hearing any **Documents** to prove your case.
* **Write what you want to say in your own words** about how your Landlord violated the law and why you should not be evicted.
* **Any documents and evidence to back up or prove why your reason for missing the original eviction trial is legitimate.**

FORM

(Please print or type)

COMMONWEALTH OF MASSACHUSETTS  
TRIAL COURT

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| a. | {{ courts[0].address.county }} | , ss: |  | d. | {{ courts[0] }} | |
|  |  |  |  |  |  | |
|  |  |  |  | e. | {{ docket\_number }} | |
| b. | {{ other\_party }} |  |  |  |  | |
|  |  |  |  |  | **MOTION TO REMOVE DEFAULT  AND VACATE JUDGEMENT UNDER M.R.C.P. 59 AND/OR 60(b)** | |
|  | vs. |  |  |
| c. | {{ users }} | |  |
|  |  |  |  |  | |  |

1. As the Tenant/Defendant in this case, I request this Court to remove the default and vacate the judgment, and:  
      
   {% if not answer\_yesno %}[X]{% else %}[ ]{% endif %}Allow to file an Answer late and schedule a new trial **(A copy of my Answer is attached**

{% if answer\_yesno %}[X]{% else %}[ ]{% endif %} Schedule a new trial because my Answer has already been filed.

1. {% if date\_to\_file > today() %}[X]{% else %}[ ]{% endif %} I am filing this motion within 10 days of the default judgment and, under Rule 59 of the Massachusetts Rules of Civil Procedure and Rule 4(a) of the Massachusetts Rules of Appellate Procedure (for Appeals Court) or Rule 4(a) of the Dist./Mun. Cts. R.A.D.A. (for appeals to the Appellate Division of the District Court), the execution is automatically stayed.
2. {% if date\_to\_file < today() %}[X]{% else %}[ ]{% endif %} I have not filed this motion within 10 days of the default judgment and therefore I am asking the Court to stay the execution until I can be heard by the judge on this motion.
3. I did not appear at the original hearing for the following reason:

{%p if reason\_for\_missing == "other" %}  
 {{ elaborate }}

{%p else %}

{{ reason\_for\_missing }}

{%p endif %}

1. {% if answer\_yesno %}[X]{% else %}[ ]{% endif %} I already filed an Answer which explains my defense.  
     
   {% if not answer\_yesno and counterclaim\_yesno %}[X]{% elif answer\_yesno or not counterclaim\_yesno %}[ ]{% endif %} I am filing a proposed Answer (attached), which explains my defenses/counterclaims, and ask that it be approved as a late filed answer if this motion is allowed.   
     
   I have a good defense to the landlord's case, as specified below:

{{ stated\_legaldefense }}

1. **Clerk:** Please schedule this motion for a hearing on \_\_\_\_\_\_\_\_\_\_\_\_\_\_ at **\_\_\_\_\_\_\_\_\_**o'clock.  
   **Landlord:** Please take note that this motion will be heard at the above time.
2. I delivered or mailed (*circle which one*) a copy of this Motion to my landlord or to his/her lawyer   
   on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(*date*).

{%p if defined('users[0].signature') %}

{%p for user in users %}

{{ user.signature }}

{%p endfor %}

{%p endif %}

{{ users }}

{{ users[0].address.block() }}

{{ users[0].phone\_numbers() }}

{{ showifdef('users[0].email') }}

{{ showifdef('users[0].other\_contact\_method') }}

Dated: {{ format\_date(today()) }}

{% if sheriff\_notice %}

|  |  |
| --- | --- |
|  | **Emergency Motion for Temporary Stay of Execution  Pending Further Hearing**  I received a notice that a constable or sheriff will move me from my home on {{ removal\_date }} at {{ removal\_time }} and I request that the Court immediately stay issuance or use of execution pending a hearing and decision on the above motion to remove the default.  {%p if defined('users[0].signature') %}  {%p for user in users %}  {{ user.signature }}  {%p endfor %}  {%p endif %}  {{ users }}  {{ users[0].address.block() }}  {{ users[0].phone\_numbers() }}  {{ showifdef('users[0].email') }}  {{ showifdef('users[0].other\_contact\_method') }} |
|  |  |

Dated: {{ format\_date(today()) }}

{% else %}

{% endif %}