

FORM

(Please print or type)

COMMONWEALTH OF MASSACHUSETTS TRIAL COURT

a. , ss:
County

d.
Name of Court

b.
Plaintiff(s) – Landlord(s)

e.
Docket No. Summary Process

vs.

MOTION TO STAY EXECUTION

c.
Defendant(s) – Tenant(s)

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

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

2. ☐ Tenant or someone in his/her household is 60 years of age or older.
3. ☐ Tenant or someone in his/her household has a physical or mental impairment.
4. It would be a special hardship to move now, because:

- 5.

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 (date) at (time) and I request that the Court immediately stay issuance or use of execution pending a hearing and decision on the above Motion.

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."

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

7. **Clerk:** I request this motion to be heard on (date) at o'clock.
Landlord: Please take note that this Motion will be heard at the above time.

8. I ☐ delivered or ☐ mailed (*check which one*) a copy of this Motion to my landlord or to his/her lawyer on (date).

9.
Signature of Tenant

Signature of Tenant

Tenant's Name (*print*)

Tenant's Name (*print*)

Address

Address

City State Zip

City State Zip

Telephone Number

Telephone Number

Email (if any)

Email (if any)

Date: