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December Newsletter from Pusateri & Pusateri, P.C.



Landlord's "No Kids" Notes Illegal

A tenant lived in a two-bedroom apartment in Worcester with his two minor children.

His landlord attempted to evict him after leaving notes stating his children were not welcome in the apartment complex.

After the landlord began the eviction process, the tenant brought discrimination claims against the landlord. A Housing Court judge found that the landlord expressed a discriminatory purpose and awarded the tenant \$15,000.

If you are involved in a landlord/tenant dispute, please contact our office.

In the News...

Conviction Upheld In Sox-Yankees Dispute

The New Hampshire Supreme Court affirmed the conviction of a woman who ran down and

Questions and Answers About Massachusetts Homestead Law

On March 16, 2011, an Act Relative to the Estate of Homestead went into effect. This new law made some changes to the old homestead law.

What is a Declaration of Homestead?

An estate of homestead is a type of protection for a person's principal residence. The new law, among other things, provides an automatic homestead protection of \$125,000 with respect to a home that does not declare a homestead exemption with the Registry of Deeds.

In order for homeowners in Massachusetts to protect the value of their property up to \$500,000 per residence, per family, you must file a document called a "Declaration of Homestead".

Who can file for Homestead protection?

The owner(s) of a home who occupy or intend to occupy the home as a principal residence may file a homestead protection.

Where do I file for Homestead protection?

The form is filed at the Registry of Deeds in the county or district where the property is located, referencing the title/deed to the property and it is \$35 to file.

What does a Homestead protect?

The real property which serves as an individual's principal residence is protected. The declaration of homestead protects against:

- Attachment
- Seizure
- Execution on judgment
- Levy
- Sale for the payment of debts to the extent of \$500,000 per residence, per family

What does the Homestead not protect?

The following are exempt from the homestead law:

- A sale for federal, state and local taxes, assessments, claims and liens
- A mortgage on the home

killed a man with her car after he taunted her for being a New York Yankees fan. She was convicted of second-degree murder and is serving a 20-40 year sentence.

SJC Launches Probe into OUI Acquittals

The Supreme Judicial Court has launched an investigation into whether District Court judges are acquitting people accused of drunk driving at a higher rate than the national average. This was done in response to a Boston Globe story which said the judges' acquittal rate is about 30% higher than that of juries and much higher than in other states.

- An execution issued from the Probate Court to enforce its judgment that a spouse pay for the support of a spouse, former spouse or minor children
- Upon execution issued from a court to enforce its judgment based upon fraud, mistake, duress, undue influence or lack of capacity
- A lien on the home recorded prior to the creation of the homestead

If you are interested in declaring a homestead on your principal residence, please contact our office.

Judge Says Homeowners Can Demolish Neighbor's House

Years ago, Drs. Ruth and John Schey had an unobstructed view of Marblehead Harbor. Then a neighbor, Wayne Johnson, built a house in front of theirs and blocked their view. Johnson was warned by the Land Court that the lot was non-buildable because of lack of frontage. However, Mr. Johnson built the home anyway.

Mr. Johnson was ordered by the Court to remove the home in 2000. And yet, 11 years later, the house still stands. Johnson has taken his case to the Appeals Court five times and the Supreme Judicial Court once and lost every single decision. Johnson has made multiple efforts to change town zoning laws requiring less frontage and has failed each time.

Land Court Judge Keith Long has now ruled that Johnson would be held in contempt if he does not enter into a demolition contract by December 16. Judge Long ruled that if Johnson misses the December deadline, the Scheyes may demolish Johnson's home and receive reimbursement for the cost.

If you are involved in a neighborhood dispute, please contact our office.

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