



Published by the

Worcester Property Owners Association

P.O. Box 1107 Worcester, MA 01613 (508)754-4413 www.worcesterpoa.com

Wednesday, April 8, 2009 at 6:45pm

**Martin Luther King, Jr Business Empowerment Center,
237 Chandler Street, Worcester, MA**

Socialize and Enjoy Educational Presentations

Tonight's Topics

WPOA will welcome once again First Justice of the Worcester Housing Court, the Honorable Diana H. Horan and Chief Housing Specialist Michael O'Mara. A list of questions have been prepared for our guests and below is a sample of those questions. A more complete list has been given to Judge Horan.

1. Please give us a clear definition of the following legal terms:
 - a. Summary Process Definition
 - b. Affidavit Definition
 - c. Rule 10 (d)
 - d. Agreement of Judgement
 - e. Non-military Affidavit
 - f. Stipulation of Rent & Repair
 - g. A Writ of Attachment
2. Please go through the basic steps of the time lines for the eviction/summary process procedures.
3. When is a request for volunatry dismissal appropriate?
4. When is a contempt summons issued and what are the basic time lines to secure compliance?
5. If a counterclaim is filed does the court hear that at the time of filing or is it delayed for another time?
6. Please explain supplementary process.
7. What is an affidaviat of indigency and can it apply to landlords as well as tenants?
8. What is a writ of attachment and how does it apply to property owners?
9. Please explain when trespassing is an appropriate claim by a property owner and provide as clear a definition as possible.
10. What is the process of changing a court date and are there instances when it would not be allowed?

Welcome New Members!!!

Amal Toke

Paul Mahoney

Manoj Padki

Irene & Wallace Myers

Douglas Quattrochi

Thomas Westerman

In case you missed the meeting with Attorney Mark Burrell and you want to get even with a former tenant who owes you money- READ ON...

YOUR TENANT OWES YOU MONEY; TAKE HIS CAR

By Mark Burrell, Esq.

Your tenant trashed the place and didn't pay rent for the last two months. Maybe he's gone now. Maybe not. Either way, your mind mumbles about it each day. You found the place, you bought the place, you cleaned it, maybe painted it, maybe fixed it, this is

continued on page 6



*Worcester Property Owners Association
P.O. Box 1107, Worcester, Massachusetts 01613
(508)754-4413*

Hello WPOA Members;

April 2009

What a meeting we had in March!! Our sincerest thanks to Grossman's Bargain Outlet for closing their store on West Boylston Street to the general public, and giving us demonstrations on the most up to date technologies to help us maintain our properties in the best condition they can be. We learned about the newest developments in replacement windows that are environmentally friendly, new designs in cabinetry and the differences in a "cheap product" versus one that will stand up over time. We were also treated to many gifts from Grossman's including gift certificates to Grossman's, gas cards, door-knob lock-sets, 5 gallon paint buckets, an outdoor rubberized mat and the grand prize of a saw for cutting tile. The members had a terrific time. A hearty thank you to Grossmans for putting together a very worthwhile evening. Tell all your friends, relatives and other property owners to frequent their locations. They'll be glad they did.

Once again, we will be welcoming First Justice of the Worcester Housing Court, The Honorable Diana H. Horan, and Chief Housing Specialist, Michael O'Mara to our April meeting. We are always delighted to have them, and give us a "leg up" when we have to appear in housing court. Their wisdom helps us make fewer mistakes when we have to go to court, and we should be better prepared to present our evidence because of the information they give us at our meetings. Since we can't tape the meeting, you should come prepared to take lots of notes. Remember, you can ask questions, but you CANNOT discuss any case that is currently before the court or has been litigated. All questions should relate to the law or issues you don't understand. One example is to get a clear definition of what constitutes trespassing and how that would apply to people in your property that you don't know. It is one of the questions we will be giving to our guests before they come to the meeting. If any member has a question they want to have addressed and want to get it to Judge Horan, please feel free to e-mail me the question (s) in advance by sending it to my e-mail address at simakatz@aol.com. I'll pass it along before the meeting.

Please Note- we are back at The Martin Luther King, Jr. Business Empowerment Center for our subsequent meetings.

See you at the meeting.

Very truly yours,

Sandra Katz

President

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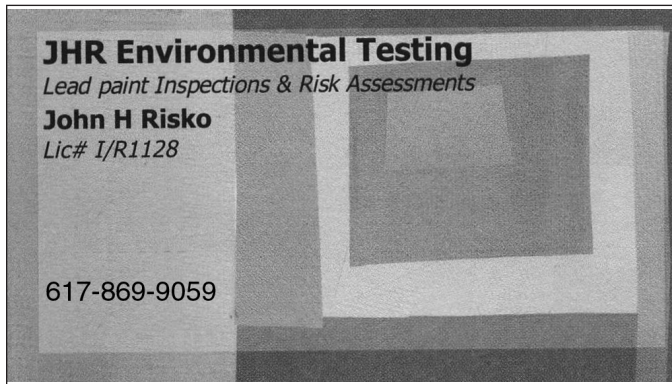
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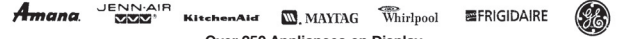
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- Other – I am a _____ taking this course.

We currently have the following sessions scheduled. Please check one:

Saturday	April 4, 2009	8:45 a.m. – 5:00 p.m.	<input type="checkbox"/>
Thursday	April 16, 2009	8:45 a.m. – 5:00 p.m.	<input type="checkbox"/>
Saturday	May 2, 2009	8:45 a.m. – 5:00 p.m.	<input type="checkbox"/>
Thursday	May 14, 2009	8:45 a.m. – 5:00 p.m.	<input type="checkbox"/>
Saturday	June 6, 2009	8:45 a.m. – 5:00 p.m.	<input type="checkbox"/>
Thursday	June 18, 2009	8:45 a.m. – 5:00 p.m.	<input type="checkbox"/>
Saturday	July 11, 2009	8:45 a.m. – 5:00 p.m.	<input type="checkbox"/>
Thursday	July 23, 2009	8:45 a.m. – 5:00 p.m.	<input type="checkbox"/>
Saturday	August 8, 2009	8:45 a.m. – 5:00 p.m.	<input type="checkbox"/>
Thursday	August 20, 2009	8:45 a.m. – 5:00 p.m.	<input type="checkbox"/>
Saturday	September 12, 2009	8:45 a.m. – 5:00 p.m.	<input type="checkbox"/>
Thursday	September 24, 2009	8:45 a.m. – 5:00 p.m.	<input type="checkbox"/>

Please bring your own lunch.

Pre-Registration and payment are required. Return this completed form with your check. Refunds are issued if cancellation notice is received two weeks prior to class.

Thank you,

Worcester Community Action Council, Inc.

TAKE HIS CAR

continued from page 1

no hobby, you want to make some money out of it. Instead, you're up to here in trash, holes in the walls, urine in the carpets, appliances you couldn't clean with sulfuric acid and a ball of barbed wire strapped to a saws-all and a tenant who owes you money. You want the money now. But how are you going to get it?

Like this. Sue him. Sue your tenant in small claims court if he owes you \$2,000.00 or less. Sue him in Housing Court or District Court if he won't leave and/or owes you rent. No attorney needed if you didn't incorporate yourself. Corporations have to have attorneys. In any case, win and you get a "judgment" and if you asked the Judge for money damages at the trial and he awarded them to you, the "judgment" will say the tenant owes you a certain amount of money. If you don't sue and you decide to just take his money or his belongings in any old way you want, you'll still be a landlord, but you'll be a thief as well. So sue him, get a judgment, and then take his car. How do you take his car with a judgment? Read on.

There is a statute in Massachusetts found in Section 34 of Chapter 235 of the Massachusetts General Laws. It contains a list of all the things

that you can't take from your tenant once you get a judgment against him. Number sixteen on the list says your tenant/debtor can keep an automobile necessary for personal transportation or to secure or maintain employment, not exceeding seven hundred dollars in value. That's right. If your tenant's car is worth more than seven hundred bucks, you can take it! But how?

The court will mail you the judgment you won at the trial. It will say on the judgment the date the judgment was "entered." Ten days after the judgment was entered, send a letter to the court's civil clerk asking for a "writ of execution." It's free. Like this: Dear civil clerk. Please forward to me a writ of execution in case number 1234567 (Use your case number. It's on the judgment). Very truly yours.

When the court sends the writ to you, you send the original writ of execution (not a copy) to the local Sheriff's office with a written request that the Sheriff take the automobile belonging to your tenant. Then you sit back and wait. Your constable can do it too, but some constables won't take cars. Some will. If successful, you will have gotten your tenant's attention, his car and after the Sheriff sells it, some or all of your money.

Andrew Faust

Investment Property Specialist



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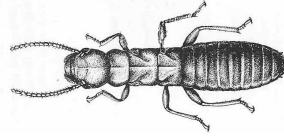
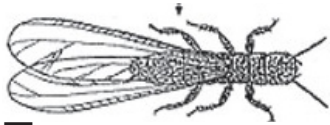
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PEST OF THE MONTH: Termites- "*riticulitermes flavipes* "



The Eastern Subterranean termite has four social members of its colony: King, Queen, Soldier, and Worker. The worker looks like a small maggot, which is responsible for feeding all members of its colony and causes millions of dollars worth of termite damage each year. Swarmer (Kings & Queens)

emerge in March, April or May to propagate the species. These members look like small black flying ants that shed their wings before mating. On average, a termite colony may contain as many as one million members. They are mostly dormant during the winter. Worker termites may construct mud tubes, which are

used as transit runways to breach adverse conditions and to transport food (cellulose). One sixteen inch all that is needed to enter your home from sub-grade level. Modern technology for elimination is now done by baiting as well as the use of low odor chemicals.

Geoffrey Ford,
Vice President
Ford's Hometown Services

The Handy Man

www.massrha.com

This is your column if you are a hands-on property owner. Not only do you collect the rent but you fix the leaks, paint, add new kitchens or just change the faucet. These are tips tested and shared by other property owners but MRHA bears no responsibility or liability for them. Please send us your tips. They will be collected on the MRHA website "members" page. These tips usually come from Allen. This month we have new contributors.

Richard from Lowell wrote:

My best tip is the "zip it" sold at Home Depot for only \$2.00 it is a 18" long thin plastic strip with teeth. You run it down the bathroom sink and it pulls out all the hair. Works good in shower drains also.

Vicktor from Metro West gave us this PRODUCT REVIEW

Ice Breaker Mats

These are mats that are flexible vinyl with a thin cushion in the middle. They have a light texture on them for grip. When ice accumulates you step on them and the ice

breaks and you push it aside. The cushion in the mats makes the mats flexible knowing that ice is brittle, the ice breaks when stepped on. Works just as advertised. Found out through searches that the best price on them is their website.. They only come in two forms, doormat and stair treads with two sizes. The cost is worth every penny considering buying ice melt and your time chipping ice not to mention safety for your tenants. -Mr. FixIt, Vicktor Zimmerman
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