

IF YOU ARE LOSING YOUR HOME TO FORECLOSURE, YOU DO NOT HAVE TO MOVE OUT RIGHT AWAY

BEFORE THE FORECLOSURE SALE

Should I take a cash-for-keys offer and move out quickly?

NOT NECESSARILY!! You do NOT have to agree to “Cash-for-keys” offers; they are almost never enough money to move, and you will be giving up your legal rights. You may be able to do much better in court. Going through the court will usually take the new owner more time than they are offering you in the “cash-for-keys” deal.

Do I have to be ready to move out on the day my house is auctioned?

NO!! Don’t Panic. ONLY A COURT CAN TELL YOU TO MOVE OUT. The foreclosure sale transfers ownership from you to someone else, but you still have some legal protection. And NOBODY, not even the new owner, CAN make you leave your house without going through the eviction process in court first.

AFTER THE FORECLOSURE SALE: THE EVICTION PROCESS

1. The new owner may first send you a letter (a *notice to quit*), telling you that you have to move out by a certain date (anywhere from 72 hours to 30 days). **You do not have to move out by this date.** The new owner has to send this notice and wait till after the included “move-out date” to begin court proceedings.
2. After the date in the “notice to quit”, the new owner may go to court and begin a *Summary Process*, or eviction, case. You will receive a notice from the Court with a date to go to court. **Read this notice carefully – do not ignore it!** You have the right to file an “answer” and other important paperwork *by a specific date* listed on the court notice. You should go to court *early* on the specified hearing date; check in at the desk.
3. At court, you may first get called into mediation. You should tell the mediator that you need more time before you can move out. If you or anyone in your household has any medical problems or disabilities, tell the mediator. You can also offer to pay rent to the new owner. **YOU DO NOT HAVE TO SIGN the agreement offered to you in mediation.** If you feel it is unfair, you can say “no” and ask to see the judge.
4. If you decide to see the judge, you should describe what you want and why. The judge will listen to the new owner first and then to you, and then make a decision.

What if the judge evicts me?

If the judge decides that you can be evicted, you have ten (10) days to appeal the decision once you receive it in writing. If you do not appeal, at the end of ten days the new owner can go to court and get an *execution* to move you out. Once the execution is issued, the sheriff may give you as little as 48 hours to move. If you don’t move out, at the end of the 48 hours, the sheriff can move your belongings *into storage only*. You may have to pay to get them.

Do I have to get a lawyer if the new owner tries to evict me in court?

NO - you are not required to have a lawyer. But it may help to contact a lawyer as soon as you can. Even if you cannot get a lawyer, if you go to the Worcester Housing Court, you can ask for and may be able to talk to the Lawyer for the Day.