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SUPERIOR COURT RULES

Standing Orders

Superior Court Standing Order 10-20: Resumption of filing and processing of Servicemembers cases, following expiration of the moratorium applicable to such cases under St.2020, c.65, as extended by the governor

ADOPTED DATE:

10/19/2020

EFFECTIVE DATE:

10/19/2020

UPDATES:

Issued October 19, 2020, effective October 19, 2020 (https://www.mass.gov/media/2194616/download)

Applicable to all courts

At midnight on October 17, 2020, the Massachusetts moratorium concerning actions to determine the military status of a mortgagor under the Servicemembers Civil Relief Act (SCRA), 50 U.S.C. c. 50 § 3901, et seq., expired. See St. 2020, c. 65, extended by the Governor of Massachusetts on July 21, 2020, to October 17, 2020. This standing order governs the procedures for resumption of filing and processing of such actions in Superior Court.

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I. Affidavit no longer required

The Superior Court’s Affidavit of Inapplicability of State and Federal Foreclosure Moratoria is no longer required to be filed, in connection with any new or pending Servicemembers case.

II. Extension of “Return Day” in certain pending cases

For all pending Servicemembers cases in which an Order of Notice issued with a Return Day falling within the dates of March 10, 2020 (the date of the Governor’s Declaration of Emergency) and October 17, 2020 (expiration of the moratorium, under St. 2020, c. 65, as extended), the Return Day previously established by the court is hereby extended to November 30, 2020. Any person who claims to be entitled to the benefits of the SCRA and who objects to a foreclosure on that basis may timely file a written appearance and answer on or before November 30, 2020 (the extended Return Day).[1] No judgment in a Superior Court Servicemembers case that is covered by this section will issue before December 1, 2020.

III. Supplemental orders of notice in certain circumstances

Plaintiffs in pending Servicemembers cases subject to the extended Return Day set forth in Section II herein are not required to perform again any notice steps (e.g. publication, service by certified mail, or recording) that were completed before April 20, 2020, the effective date of St. 2020, c. 65. For any notice steps that remained incomplete before April 20, 2020, the Plaintiff must file and obtain a supplemental Order of Notice with a new Return Day from the Superior Court.

Downloads

Superior Court Standing Order 10-20

(https://www.mass.gov/doc/superior-court-standing-order-10-20/download) (PDF 164.58 KB)

[1] See the COVID–19 webpage (**https://www.mass.gov/guides/court-system-response-to-covid-19** (/resource/court-system-response-to-covid-19)) for policies on how documents may be submitted to each Clerk's Office.

UPDATES:

Issued October 19, 2020, effective October 19, 2020 (https://www.mass.gov/media/2194616/download)

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