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By Mr. Timilty, a petition (accompanied by bill, Senate, No. 735) of Joseph F. Timilty, Ronald A. Pina, Alan D. Sisitsky and John A. Businger for legislation to modernize the homestead law. The Judiciary.

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## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Six.

### AN ACT MODERNIZING THE HOMESTEAD LAW.

*Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, as follows:*

1 SECTION 1. Chapter 188 of the General Laws is hereby  
2 amended by striking section 1, as most recently amended by  
3 chapter 407 of the Acts of 1975, and inserting in place thereof  
4 the following section:—

5 *Section 1.* Every person, whether the head of a family or  
6 otherwise, owning a home or rightly possessing premises by  
7 lease or otherwise, and occupying or intending to occupy the  
8 same as a residence, shall hold in such premises an estate of  
9 homestead to the extent of thirty thousand dollars in the land  
10 and buildings thereon, and such estate shall be exempt from  
11 the laws of conveyance, descent and devise and from attach-  
12 ment, levy on execution and sale arising from any debt, con-  
13 tract, or civil obligation entered into or incurred, except at-  
14 tachment, levy and sale in the following cases:

15 (1) For a debt contracted previous to the acquisition of said  
16 estate of homestead;

17 (2) For a debt contracted for the purchase of said home;

18 (3) For a debt secured by a second or subsequent mortgage  
19 of said home, where the mortgagor knowingly, in a separate  
20 paragraph of the mortgage instrument printed or written in  
21 conspicuous type or printing, waives the homestead exemption  
22 as to the mortgagee;

23 (4) Upon an execution issued by the probate court to enforce  
24 its decree that a party pay a certain amount weekly or other-  
25 wise to support his spouse or minor children; or

26 (5) Where buildings on land not owned by the homestead  
27 owner are attached, levied upon or sold for the ground rent of  
28 land whereon they stand.

1 SECTION 2. Section 2 of said chapter 188, as appearing in the  
2 Tercentenary Edition, is hereby amended by striking the first  
3 sentence thereof.

1 SECTION 3. Said chapter 188 is hereby amended by striking  
2 section 3 as it appears in the Tercentenary Edition, and insert-  
3 ing in place thereof the following section:—

4 *Section 3.* The probate court may by its decree grant to a  
5 party not the person holding a homestead, or to a minor child  
6 or children, or to both, the right to use, occupy and enjoy such  
7 homestead estate until further order of the court. The record-  
8 ing of the order of the probate court granting to such persons  
9 the right to use, occupy and enjoy said homestead estate, to-  
10 gether with the description thereof, in the registry of deeds  
11 for the county or district where the land lies, shall operate to  
12 prevent the person holding the homestead from disposing of  
13 said estate until such time as the probate court shall revoke  
14 said decree.

1 SECTION 4. Section 4 of said chapter 188, as amended by  
2 section 64 of chapter 925 in the Acts of 1973, is hereby amended  
3 by striking the first sentence and inserting in place thereof the  
4 following sentence:— The estate of homestead existing at the  
5 death of a person holding a homestead shall continue for the  
6 benefit of the surviving spouse and minor children, and shall  
7 be held and enjoyed by them, if one of them or a purchaser  
8 under section eight occupies the premises, until the youngest  
9 unmarried child is eighteen and until the death of the spouse;  
10 and if a widow or minor children are entitled to an estate of  
11 homestead as provided herein, it may be set off to them in the  
12 same manner as dower.

1 SECTION 5. Said chapter 188 is hereby further amended by  
2 striking section 7, as most recently amended by section 6 of  
3 chapter 423 of the Acts of 1971, and inserting in place thereof  
4 the following section:—

5    *Section 7.* No conveyance of property in which an estate of  
6 homestead exists, and no release or waiver of such estate, shall  
7 convey the part so held and exempted, or defeat the right of  
8 the owner or of the owner's spouse and minor, unmarried chil-  
9 dren to a homestead therein, unless such conveyance is by a  
10 deed signed by the spouse, he or she being competent so to  
11 act, or unless such right is released as provided in chapter two  
12 hundred and nine; but a deed duly executed without such sig-  
13 nature or release shall be valid to pass, according to its terms,  
14 any title or interest in the property beyond the estate of home-  
15 stead.

1. The first part of the document is a list of names and addresses of the members of the committee. The names are listed in alphabetical order, and the addresses are given in full. The list includes the names of the members of the committee, the names of the members of the sub-committee, and the names of the members of the advisory committee. The addresses are given in full, including the street name, the city, the state, and the zip code.

2. The second part of the document is a list of the names and addresses of the members of the committee. The names are listed in alphabetical order, and the addresses are given in full. The list includes the names of the members of the committee, the names of the members of the sub-committee, and the names of the members of the advisory committee. The addresses are given in full, including the street name, the city, the state, and the zip code.

3. The third part of the document is a list of the names and addresses of the members of the committee. The names are listed in alphabetical order, and the addresses are given in full. The list includes the names of the members of the committee, the names of the members of the sub-committee, and the names of the members of the advisory committee. The addresses are given in full, including the street name, the city, the state, and the zip code.

4. The fourth part of the document is a list of the names and addresses of the members of the committee. The names are listed in alphabetical order, and the addresses are given in full. The list includes the names of the members of the committee, the names of the members of the sub-committee, and the names of the members of the advisory committee. The addresses are given in full, including the street name, the city, the state, and the zip code.