

Raymond Frechette et al v. Elizabeth D'Andrea et al

SJC-13497

May or must a trial court judge, in a case involving an indigent party for whom the appeal bond has been waived, order ongoing use and occupancy payments pending appeal otherwise permitted or required by G. L. c. 239, § 5(e), to be waived, substituted, or paid by the Commonwealth as an "extra fee or cost" under the indigent court costs law, G. L. c. 261, §§ 27A - 27G?

May a trial court judge order a defendant in a summary process action, for whom the appeal bond has been waived, to pay ongoing use and occupancy pending appeal pursuant to G. L. c. 239, § 5(e), in an amount that exceeds the defendant's ability to pay without violating that party's due process, equal protection, or Art. 11 rights?