
Date
LET JUDGMENT ISSUE:

Judith C. Cutler, Chief Justice

COMMONWEALTH OF MASSACHUSETTS

LAND COURT

DEPARTMENT OF THE TRIAL COURT

[COUNTY], ss.

[Year] SM [Case No.]

[NAME OF PLAINTIFF(S)],
Plaintiff

v.

[NAME OF DEFENDANT(S)],
Defendant

**COMPLAINT TO DETERMINE
MILITARY STATUS**

1. Your Plaintiff has an interest in a mortgage with the statutory power of sale given by [MORTGAGOR] to [MORTGAGEE], dated [DATE], recorded or filed at [NAME OF REGISTRY AND/OR REGISTRATION DISTRICT] in Book [], Page [], and/or [DOCUMENT NUMBER/CERTIFICATE OF TITLE NUMBER], covering [STREET AND UNIT NUMBER, CONDO NAME AND UNIT NUMBER IF APPROPRIATE, CITY/TOWN], and more particularly described in said mortgage.
2. No Defendant(s) is/are in the military service within the meaning of the Servicemembers Civil Relief Act, 50 U.S.C. c. 50 §3901 (*et seq*)
3. The Plaintiff alleges on information and belief that the Defendant(s) is/are the only person(s) holding the equity of redemption of the property covered by the mortgage described in Paragraph 1 of this Complaint so far as appears of record in the said Registry of Deeds and as known to your plaintiff.
4. The holder of the mortgage seeks to proceed with the foreclosure of said mortgage described in Paragraph 1 to protect its interest as secured thereby for breach of the conditions thereof and desires to comply with the provisions of the Servicemembers Civil Relief Act.

Wherefore your plaintiff prays:

1. For an order of notice ordering the defendant(s) to appear and answer this complaint if Defendant(s) is/are now, or recently have been, in the active military service and claim the benefits of the Servicemembers Civil Relief Act.
2. For a judgment declaring that the Defendant(s) is/are not entitled to the benefits of the Servicemembers Civil Relief Act.

ATTORNEY FOR THE PLAINTIFF

BBO. # _____

Date: _____

From the Office of:

Telephone No. (with extension): _____

Office File No. (if available): _____

LAND COURT USE ONLY

Under the provisions of the Servicemembers Civil Relief Act, this cause came on to be heard and thereupon, upon consideration thereof, it appearing to the Court that the Defendant(s) is/are not entitled to the benefits of said Act, it is hereby

ORDERED and **ADJUDGED** that the Defendant(s) is/are not entitled to the benefits of the Servicemembers Civil Relief Act, as of _____, the date of the allowance of Plaintiff's motion for judgment.

By the Court ().

Attest:

(SEAL)

Deborah J. Patterson
Recorder