

## Massachusetts Notice of Right to Declare Homestead Protection

(G.L.c.188, § 14)

You have the right under Massachusetts General Laws, Chapter 188, to record or file in the appropriate land records a Declaration of Homestead Exemption for your home where you and your family intend to reside as your principle residence. If you do not file or record in the appropriate land records a Declaration of Homestead Exemption, the law provides for an automatic homestead exemption. The differences between the automatic homestead exemption and the declared homestead exemption are summarized below:

Automatic Homestead Exemption	Declared Homestead Exemption	Elderly or Disabled Person's Declaration of Homestead Exemption
<p>An exemption in the amount of \$125,000; provided, however, that:</p> <p>(1) with respect to a home owned as joint tenants or as tenants by the entirety, the automatic homestead exemption shall remain whole and unallocated between the owners, provided that the owners together shall not be entitled to an automatic homestead exemption in excess of \$125,000; and</p> <p>(2) with respect to a home owned by multiple owners as tenants in common or as trust beneficiaries, the automatic homestead exemption shall be allocated among all owners in proportion to their respective ownership interests.</p>	<p>An exemption in the amount of \$500,000 created by a written declaration, executed and recorded or filed in the appropriate land records; provided, however, that:</p> <p>(1) with respect to a home owned by joint tenants or tenants by the entirety, the declared homestead exemption shall remain whole and unallocated, provided that the owners together shall not be entitled to a declared homestead exemption in excess of \$500,000;</p> <p>(2) if a home is owned by tenants in common or trust beneficiaries, the declared homestead exemption for each co-tenant and trust beneficiary shall be the product of: (i) \$500,000; and (ii) the co-tenant's or trust beneficiary's percentage ownership interest;</p> <p>(3) if a single person acquires a home and later marries, the new spouse is automatically protected by the declared homestead right.</p>	<p>An exemption in the amount of \$500,000 created by a written declaration, executed and recorded or filed in the appropriate land records; provided, however, that:</p> <p>(1) the declarant is either a "Disabled person", an individual who has a medically-determinable, permanent physical or mental impairment that would meet the disability requirements for Supplemental Security Income under 42 U.S.C. 1382c(a)(3)(A) and 42 U.S.C. 1382c(a)(3)(C) as in effect at the time of recording or an "Elderly person", an individual 62 years of age or older.</p>