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**A D V I S O R Y**

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A new law regarding the service of and levying on executions in summary process cases became effective on November 8, 2004. The most significant change effects the storage of the tenant's belongings after possession has been granted back to the landlord. Specifically, the tenant may, as late as the day of the levy, inform the constable that he has chosen to have his belonging brought to and stored in a different storage facility than the one chosen by the constable. The new law loosely defines "other storage facility" which could potentially be interpreted by tenants and their lawyers to mean that a tenant may chose to have their belongings brought their new apartment, a friend's house or elsewhere for storage, all at the expense of the landlord. Although this issue has not been formally challenged in Court, it means more work for constables and may limit the number of moves that can be scheduled for a particular day. Although the law entitles the landlord to reimbursement by the tenant for any fees or costs, the likelihood of recovering these monies is slim.

Furthermore, the new law requires constables to provide tenants with a more detailed 48 hours notice which provides more information about the constable and the warehouse where the property will be stored. If the notice is improper, it may cause a delay in recovering possession of the apartment. The constable must now also file with the Court an inventory of all items removed from the tenant's apartment.

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In November, 2004, Ken Krems was named a Real Estate Super Lawyer and his name appeared in Boston Magazine.

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As always, please feel free to call any member of the Shaevel & Krems Real Estate Management Team with any questions that you may have.

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