



Massachusetts Alliance Against Predatory Lending

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For Immediate Release

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A win! And Massachusetts Homeowners Continue To Push For Equal Rights To Our Courts For Every Indigent Party.

Friday, April 26, 2024 – “This pro se litigant, Karen Merritt, as well as her beloved son, pro se litigant, Charles Cronan just won their appeal in the Massachusetts Appeals Court that the Southeastern Housing Court, Massachusetts, by order of Judge Michaud, erred! The heart of the case was about equal access: our court system extends to everyone whether you're rich or poor or somewhere in between, that each one of us has a right to justice and to be heard and to live our life under the starry nights of our constitution.

My family and I had been left for homelessness by our Housing Court, even though my unlawful creditors committed a felony violation of our usury laws trying to collect on a purported 55% interest rate.

We had become victims of an illegal indigent hearing. Our rights to confidentiality were violated. Exposed like some witch hunt in Salem back in 1692, we had been possessed by the devil himself of this evil thing called being poor. At least that's what it felt like to me.” Karen Merritt of Rehoboth (L&S Realty v. Merritt, Massachusetts Appeals Court (2024))

Since the beginning of the historic foreclosure crisis, roughly 20 years ago, some 125,000 Massachusetts households have been illegally allegedly foreclosed. The vast majority were stripped of their lifetimes' worth of wealth, on top of numerous other damages.

This has made self-represented (“*pro se*”) homeowners fighting foreclosures and evictions a veritable force for equal access to the courts for everyone in Massachusetts. This includes for everyone who might not be able to afford a necessary cost to continue equally prosecuting their rights to the protections of our courts. For homeowners, court protection is needed for fundamental constitutional rights, like the equal right to own or occupy your home.

The Massachusetts top court took the Frechette v. Brown case off of the Massachusetts Appeals Court's docket on its own initiative with Elizabeth d'Andrea as the designated Appellant.

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“What a wonderful honor that my case was chosen by the Massachusetts Supreme Judicial Court. To stand back while others shared in the oral argument while I listened was difficult since my argument, the Indigent Court Cost Law wasn’t clearly interpreted. People like me are not financially able to have the same ability to cover the many expenses in a court case to have a fair chance, the Indigent Court Cost Law is my guarantee for an equal chance to defend myself.

I am grateful for the briefs of friends of the court who supported this case to level the ground for justice for the indigent litigants. The Massachusetts lower courts have misinterpreted this Indigent Court Cost Law in the last 2 decades and it is so important to be heard.

However, your indigency protection is a confidential matter between the indigent litigant and the judge, not the party who you are up against since the financial information can be used against you by the opposing party.

The argument in my SJC case did not honor that confidentiality commitment, so I have re-filed to get the SJC to follow its own caselaw and rules published in its legal forms since March 2003.” Elizabeth D’Andrea of Webster.

Given that oral argument was scheduled with the Housing Court Plaintiff as the opposing side, d’Andrea has asked for new argument since they are not supposed to be part of the confidential Indigent Court Costs Laws procedure.

“Like Ms. D’Andrea, I have been fighting to be allowed to equally continue the case to fight for my home in the courts ever since my wife and I lost our jobs because of Covid and went from high paying jobs to no job for quite a while. I am amazed that it was my working with my supporters that we found all of the most critical rules were already firmly in stone, so to speak, because they are in the Massachusetts Supreme Judicial Court’s promulgated legal forms that all of the courts have seen thousands of times.

So, I was one of the folks who put in a friend of the court brief on behalf of Ms. D’Andrea and of all of us who know that our Constitution has guaranteed us an equal right to access and participate in the Massachusetts court system.” Emmanuel Asia of Worcester.

The Mass Alliance Against Predatory Lending is a combined 70 member organization coalition and hundreds of individual families fighting violation of their rights to their home a key component of its effort is educating Massachusetts residents as to their rights, the procedures and forms to fight in our courts and increasingly win.

“So, I thank God and Grace Ross, Massachusetts Alliance Against Predatory Lending, (MAAPL) for the decision at Massachusetts Appeals Court. And, perhaps, let us be reminded that whether you're pro se or not, when you have truth and honesty and integrity beside you, doors will open. Come join MAAPL to make a change.” (END)

Homeowners and Experts available for comment, please contact Grace Ross above.