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David Mawhinney Quoted in Massachusetts Lawyers Weekly’s “Domicile found despite ample time out of state”

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Lassman, et al. v. Angera concerns a Chapter 7 debtor that was claiming the Massachusetts homestead exemption, even though much of his time was spent working in other states where he also maintained residences. The case was appealed to the U.S. District Court, possibly making it the first time 1st Circuit judges have reviewed a determination of domicile in a bankruptcy exemption case since the Bankruptcy Code was amended more than 16 years ago. The change intended to discourage debtors from stashing assets in states with generous homestead exemptions. David Mawhinney spoke with *Massachusetts Lawyers Weekly* about the case:

Framingham bankruptcy attorney David A. Mawhinney said his takeaway from *Angera* is “domicile is sticky.”

By that, he said he means that the creditor’s burden in challenging the validity of a debtor’s homestead is going to be a steep one. Here, the appellants’ biggest challenge was offering compelling evidence that the debtor’s actual domicile was somewhere other than Massachusetts.

“The one main thing that was missing is they did not have a better place to put him,” Mawhinney said. “If you don’t have a really good alternative domicile, it is going to be difficult to win these cases.”

Continue reading “[Domicile found despite ample time out of state](#)” on the *Massachusetts Lawyers Weekly* website (subscription required).