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APPENDIX A.
MEMORANDUM OPINION AND ORDER PURSUANT TO RULE 23.0, APPEALS COURT OF MASSACHUSETTS (OCTOBER 19, 2023)

APPEALS COURT OF MASSACHUSETTS

IN THE MATTER OF THE ESTATE OF BRUCE F. MILLER

No. 22-P-901

Before: WOLOHOJIAN, SHIN, DITKOFF, Judges.

MEMORANDUM AND ORDER PURSUANT TO RULE 23.0

Misop Baynun appeals from a decree and order of formal probate, arguing that the judge erred in allowing the motion by the petitioners to (1) strike Baynun's three notices of appearance and objection dated January 27, 2020, February 7, 2020, and August 10, 2020, and (2) appoint the petitioners as personal representatives.[1] We affirm.

Baynun's father, Bruce Miller, died on November 28, 2019. Following Miller's death, a copy of his will dated January 24, 2006, was found among his personal effects. The will appointed Miller's two nephews, Bruce Hiltunen and Robert Hiltunen (the petitioners), as

[1] Although Baynun states in his brief that his appeal is joined by his mother, Sandra Miller, Miller did not file a notice of appeal and is not a party to this appeal.

executors, and left Miller's estate to his two sons as follows:

> "1. I give all such property to my children, Jeffrey Martin Miller and Scott Douglas Miller a.k.a. Misop Baynum [*sic*], in equal shares, however all such property shall be held in TRUST, in accordance with the provisions herein.
>
> "A. It is my desire to provide for and/or assist in my children's retirement, and hereby appoint my nephews, Bruce Hiltunen and Robert Hiltunen, JOINTLY as trustees. Said TRUSTEES shall hold, manage, invest, reinvest, administer, and eventually terminate and distribute the proceeds in accordance with my wishes as stated above. The TRUSTEES shall be paid from the trust $200.00 (Two Hundred Dollars) each, per year.
>
> "B. Distributions under the TRUST shall be made to my children, equally, beginning on March 8, 2023 and shall be made at a rate of 10% (Ten Percent) per annum based upon the total assets held in trust."

On January 9, 2020, the petitioners filed a petition to admit the will to formal probate and for appointment as personal representatives of the estate. The petitioners also sought authority to conduct a search of Miller's safe deposit box to locate the original will. On January 27, 2020, Baynun filed a motion to have himself appointed special personal representative for purposes of accessing Miller's safe deposit box to search for an original will.

Also on January 27, 2020, Baynun filed a notice of appearance and objection, together with an affidavit asserting that the copy of the will found among Miller's personal effects was an "invalid will."[2] More specifically, Baynun claimed that the copy of the will was invalid because (1) it was not an original; (2) the witnesses' attestation clause was not written in the first person; (3) it was "fraudulent" because "will" was misspelled as "wil1" in the attestation; and (4) there was a double space in the attestation clause. Baynun also claimed that although Miller "was very intelligent and often very sociably pleasant, he was regarded to not be of sound mind as his depressive paranoia affected his judgment severely, possibly up until the last three weeks of his life, when it is believed his eyes were open[]ed."

Publication pursuant to the citation on petition for formal adjudication was made on January 30, 2020, in the Quincy Sun, and was mailed on January 22, 2020, to (among others) Miller's two sons. The return date on the citation was February 12, 2020. A judge of the Probate and Family Court appointed one of Miller's nephews, Robert Hiltunen, as special personal representative with authority limited to conducting a search of Miller's safe deposit box to search for the original will, in the presence of his attorney and Miller's two sons. That search located the original will, which was the same as the copy previously filed with the court. The original will was filed with the court on February 13, 2020.

On February 7, 2020, Baynun filed another notice of appearance and objection, identical to his previous

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[2] This was not docketed by the Register until February 5, 2020.

filing.[3] Thereafter, on August 10, 2020, Baynun filed a third notice of appearance and objection.[4] The third notice of appearance and objection was untimely because it was filed more than thirty days after the return date. *See* G. L. c. 190B, § 1-401 (e).

On April 23, 2020, the petitioners moved to strike Baynun's notices of appearance and objection. After hearing, the motion was allowed on August 11, 2020, and the petitioners were appointed as personal representatives of the estate. It is these rulings that are before us now.

Baynun makes several arguments on appeal. First, he argues that his right to religious freedom is infringed by appointment of executors who may not hold his same religious beliefs or invest the estate's assets in a way that is consistent with his religious beliefs. Second, he argues that the attestation provisions of the will did not sufficiently track the language for self-proved wills contained in G. L. c. 192, § 2, as in effect prior to St. 2008, c. 521, § 12, nor was the will executed under seal as required under that statute. Third, Baynun argues his father lacked testamentary capacity. Fourth, Baynun argues that his father was under undue influence by the petitioners, as demonstrated by deviation from the requirements of G. L. c. 192, § 2. Fifth, Baynun argues that the petitioners have mismanaged the estate by not timely delivering title to an automobile, by not providing a full accounting, and by not disclosing to him before his father's

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[3] This second appearance and objection was docketed on February 11, 2020.

[4] This was docketed on August 17, 2020.

death that they were named as executors in the will. Finally, Baynun argues that the judge should have exercised "authority in this case to encourage the development of maximum self-reliance and independence of the [d]ecedent's two sons who are also beneficiaries."

We begin by noting that many of Baynun's arguments on appeal were not raised in either of his two timely notices of appearance and objection. We do not consider any issue raised for the first time on appeal, as any such issues have been waived. *See Carey v. New England Organ Bank*, 446 Mass. 270, 285 (2006) ("issue not raised or argued below may not be argued for the first time on appeal" [citation omitted]). Nor do we consider any issue raised for the first time in Baynun's third notice of appearance and objection, since it was properly struck as untimely. With these caveats, we turn to Baynun's objections as presented in his first two notices of appearance and objection, which we review de novo. *See Matter of the Estate of Nevers*, 100 Mass.App.Ct. 861, 869 (2022) .

First, Baynun objected that the copy of the will found among Miller's personal effects was not the original and therefore should not be admitted to probate. As the judge correctly noted, this objection was mooted by the discovery of the original will in Miller's safe deposit box and its subsequent filing with the court.

Second, Baynun objected to the will as "invalid" or "fraudulent" on the grounds that the witnesses' attestation clause was not written in the first person, the word "will" was spelled "wil1" in the attestation, and there was a double space in the attestation clause. Together, Baynun argues that these irregularities mean that the will did not satisfy G. L. c. 192, § 2, in

effect in 2006 when the will was executed.[5] To begin with, we note that Baynun conflates the concepts of the validity of a will with the question whether the will is self-proved. A will may be valid even if not self-proved. Indeed, to be properly executed in 2006, a will needed only to meet the requirement of G. L. c. 191, § 1, as in effect prior to St. 2008, c. 521, § 10, that it be signed before two competent attesting and subscribing witnesses.[6] Baynun did not, and does not, allege that the requirement was not met.

In any event, none of the three supposed irregularities raised by Baynun has any merit. As to the use of the third person in the attestation, we note that the attestation language of the will tracks in all pertinent respects that contained in G. L. c. 192, § 2, which, as the statute itself stated, needed only be "substantially" tracked. As to the presence of an extra space and a mistyped letter "1," we need note only that neither rises to the level of stating a ground for contesting a will offered for probate. *See Matter of the Estate of Nevers*, 100 Mass.App.Ct. at 868 ("In ruling

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[5] Baynun did not cite to G. L. c. 192, § 2, below, but pointed instead to the requirements for self-proved wills contained in G. L. c. 190B, § 2-504, which was not enacted until 2008 as part of the Massachusetts Uniform Probate Code.

[6] The statute provided, "Every person eighteen years of age or older and of sound mind may by his last will in writing, signed by him or by a person in his presence and by his express direction, and attested and subscribed in his presence by two or more competent witnesses, dispose of his property, real and personal, except an estate tail, and except as is provided in this chapter and in chapters one hundred and eighty-eight and one hundred and eighty-nine and in section one of chapter two hundred and nine."

on a motion to strike an affidavit of objections, the motion judge must take the sworn assertions made in the affidavits of objection as true and determine whether they aver 'allegations, in verified form, of specific subsidiary facts that, if proved by a preponderance of the evidence, state grounds for contesting the will offered for probate'" [citation omitted]).

Finally, Baynun's naked assertion that Miller suffered from depressive paranoia was not sufficient to raise a question that Miller lacked testamentary capacity at the time he executed his will. *See Haddad v. Haddad*, 99 Mass.App.Ct. 59, 68-69 (2021) (elements of testamentary capacity). There was nothing to indicate that Miller did not understand the will or that he did not know the natural objects of his bounty. Indeed, the will itself demonstrates the contrary in that Miller left his estate to his two sons equally.

For these reasons, we affirm the August 11, 2020, decree and order of formal probate allowing the petitioners' motion to strike Baynun's notices of appearance and objection and to appoint them as personal representatives of Miller's estate. In addition, we allow the petitioners' request for attorney's fees and costs on appeal. In accordance with the procedure specified in *Fabre v. Walton*, 441 Mass. 9, 10-11 (2004), the petitioners may, within fourteen days of the issuance of the rescript of this decision, submit an application for appellate attorney's fees and costs with the appropriate supporting materials. Baynun shall have fourteen days thereafter to respond.

So ordered.

Wolohojian, Shin & Ditkoff, JJ.[7]

[7] The panelists are listed in order of seniority.

ORDER AWARDING FEES, COMMONWEALTH OF MASSACHUSETTS APPEALS COURT (JANUARY 3, 2024)

COMMONWEALTH OF MASSACHUSETTS
APPEALS COURT CLERK'S OFFICE

BRUCE HILTUNEN & ANOTHER

vs.

MISOP BAYNUN

No. 2022-P-0901

Lower Court No: NO20P0037EA

Dated: January 3, 2024

NOTICE OF DOCKET ENTRY

Please take note that on January 3, 2024, the following entry was made on the docket of the above-referenced case:

ORDER: In a decision entered October 19, 2023, we affirmed a decree and order of formal probate striking Misop Baynun's three notices of appearance and objection and appointing Bruce Hiltunen and Robert Hiltunen (petitioners) as personal representatives of Bruce Miller's estate. In addition, we granted the petitioners' request for attorney's fees and costs on appeal, and invited submissions from the parties in accordance with the procedure set out in *Fabre v. Walton*, 441 Mass. 9, 10-11 (2004).

In response, the petitioners have submitted an application for attorney's fees on appeal in the amount

of $16,234.50, supported by an affidavit from counsel detailing the work performed at an hourly rate of $395.[1] Counsel also offered the opinion that her hourly rate is commensurate with that in the local legal community for legal services in this type of matter by attorneys with comparable skill and experience. The affidavit was accompanied by detailed contemporaneous time records. Baynun, who is proceeding pro se, opposes the fees on the grounds that (1) his appeal was not frivolous and therefore no fees should be awarded; (2) the petitioners should not benefit at the expense of the beneficiaries of the estate; (3) he should not be punished for seeking to protect his rights to religious freedom; (4) no fees should be awarded because the petitioners' attorneys appeared too late in the litigation; (5) any award of fees should be commensurate with damages, of which there were none; and (6) the decision may be altered on further appellate review by the Supreme Judicial Court.[2]

In determining what is a reasonable amount of attorney's fees on appeal, we "consider the nature of the case and the issues presented, the time and labor required, the amount of damages involved, the result obtained, the experience, reputation, and ability of the attorney, the usual price charged for similar services by other attorneys in the same area, and the amount of awards in similar cases" (citation omitted). *Twin Fires Inv., LLC v. Morgan Stanley Dean Witter & Co.*, 445 Mass. 411, 429-430 (2005). "No one factor is determinative, and a factor-by-factor analysis, although helpful,

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[1] The petitioners do not seek an award of costs.

[2] The Supreme Judicial Court denied further appellate review on December 15, 2023.

is not required." *Id.* at 430, quoting *Berman v. Linnane*, 434 Mass. 301, 303 (2001). In making such a determination, we "properly exercise[] independent judgment concerning the request's reasonableness." *Stowe v. Bologna*, 417 Mass. 199, 204 (1994). The assessment of fees based on the "lodestar" method, which involves "multiplying the number of hours reasonably spent on the case times a reasonable hourly rate," is permissible. *Fontaine v. Ebtec Corp.*, 415 Mass. 309, 324 (1993). We are not obliged to "review and allow or disallow each individual item in the bill, but [may] consider the bill as a whole." *Berman, supra.*

We have reviewed the application for fees as well as the materials supporting it. The amount sought is reasonable and well supported by the materials submitted. At the same time, we keep in mind that an award of appellate fees in probate matters is the exception rather than the norm, that Baynun's claims do not appear to be pressed out of bad faith, and that Baynun appears to be of limited means. That said, a countervailing consideration is that the failure to award fees to petitioners essentially means that Baynun's brother-who does not challenge the will or the appointment of the designated personal representatives-will have to bear one-half the cost of Baynun's litigation. In these circumstances, we conclude that an award of $10,000 is fair and reasonable. Any proceedings to enforce this award shall be commenced in the Probate Court.

So ordered. By the Court (Wolohojian, Shin & Ditkoff, JJ[3])

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[3] The panelists are listed in order of seniority.

APPENDIX B. MEMORANDUM OF DECISION AND ORDER, COMMONWEALTH OF MASSACHUSETTS THE TRIAL COURT PROBATE AND FAMILY COURT DEPARTMENT NORFOLK DIVISION (AUGUST 11, 2020)

COMMONWEALTH OF MASSACHUSETTS
THE TRIAL COURT PROBATE AND FAMILY
COURT DEPARTMENT NORFOLK DIVISION

IN RE ESTATE OF BRUCE F. MILLER

Docket No. NO20P0037EA

Before: LEE PETERSON,
Justice of the Probate and Family Court.

MEMORANDUM OF DECISION AND ORDER

(On Petitioner's Motion to Strike Appearance and Objection and to Appoint Personal Representatives filed April 23, 2020[1])

[1] A separate "Affidavit" and "Notice of Appearance and Objection," was filed January 27, 2020, a Notice of Appearance and Objection attaching the identical Notice of Appearance and Objection was filed on February 11, 2020 & four (4) other Notices of Appearance and Objections were filed with the court on August 10, 2020. The August 10, 2020 Objections and accompanying documents were not timely filed with this Court and are stricken as a result.

This matter came before the Court (Peterson, J.) for a telephone hearing on August 11, 2020. The petitioners, Bruce Hiltunen and Robert Hiltunen (hereinafter "Petitioners"), were represented by Attorney Elizabeth A. Caruso. The objecting party, Scott Douglas-Miller a.k.a. Misop Baynun (hereinafter "the Objector"), who is one of the Testator's two sons, represented himself. After hearing and upon consideration of the affidavits of objection, the Court hereby enters the following Memorandum of Decision and Order:

MEMORANDUM OF DECISION

Background

On January 9, 2020, Petitioners filed a "Petition for Formal Probate of a Will and Appointment of a Personal Representative and Appointment of Special Personal Representative" with regard to the estate of their late uncle Bruce F. Miller (hereinafter "the Testator"), who died on November 28, 2019. Petitioners seek to probate a will executed by the Testator on January 24, 2006, and to have themselves appointed as personal representatives of the Testator's estate. The will in question names Petitioners as the Testator's executors. Based upon a copy of the Testator's will the Petitioners obtained an appointment from this Court for purposes of searching for his original will in his two (2) safe deposit boxes: A search of the Testator's two (2) safe deposit boxes resulted in locating the Testator's original will that was filed with this Court on February 13, 2020. At the time of the Testator's death, he was divorced and had two adult sons. Jeffrey Martin Miller, who has not filed an objection and the Objector.

On January 27, 2020, the Objector, representing himself, filed a "Notice of Appearance and Objection" and "Affidavit" that crosses the word "oath" out replacing it with the word "affirmation" citing to a Notice of Appearance and Objection that he filed with the court objecting to the probate of the will and to the appointment of Petitioners as personal representatives.

On February 11, 2020, Attorney George G. Burke[2] filed a Notice of Appearance and Objection and attached an identical copy of the "Notice of Appearance and Objection" ("Affidavit") that the Objector filed on January 27, 2020.

In the Affidavit, the Objector initially objected that the original will with the "official seal" had not been located prior to it being located in one of the Testator's safe deposit boxes. This objection is no longer applicable because the original will was ultimately located and filed with the court.

The Affidavit also claims that part of the will was not written in the first person, this objection is incorrect, applies to one portion of the will that the witnesses executed and does not invalidate the will.

The Affidavit claims that the will is "fraudulent" because there were typographical errors in the will. There is a number 1 instead of a letter 1 after the letters "wil" and a double space on page 6 where the witnesses signed. The Court does not find these typographical errors a basis to object to or invalidate the will because they do not change the meaning of the language in the will.

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[2] At the hearing on August 10, 2020, the Objector requested to represent himself at the hearing.

On April 23, 2020, Petitioners filed a "Motion to Strike Notice of Appearance and Objection." A hearing on the motion was held before the Court (Peterson, J.) on August 11, 2020.

Discussion

1. Petitioner's Motion to Strike the Notice of Appearance and Objection

An affidavit of objections must "state specific facts and grounds upon which the objection is based," and may be struck on motion if it fails to do so. G. L. c. 190B, § 1-401 (e)(f). In deciding whether an affidavit states "specific facts and grounds" sufficient to withstand a motion to strike, the Court "considers only the affidavit of objections, accepting all of its facts as true, and may not consider any affidavits or other evidence submitted by the proponent" of the will. *O'Rourke v. Hunter*, 446 Mass. 814, 818 (2006). The specificity requirement is "no more burdensome than court rules in other areas of the law requiring a plaintiff to assert with specificity in his complaint (or other pleading) allegations which, if proved, would entitle him to prevail." *Id.* (quoting *Wimberly v. Jones*, 26 Mass. App. Ct. 944, 946 (1988)). Therefore, a motion to strike an affidavit may only be allowed when it is clear that even if all "the facts set forth in the affidavit, and all fair inferences therefrom" could be proved, the objector would not be entitled to the relief that he seeks. *Baxter v. Grasso*, 50 Mass. App. Ct. 692, 697 (2001).

In this matter, the Objector objects both to the probate of the will and to the appointment of Petitioners as personal representatives. Whether the affidavits

provide "sufficient facts and grounds" to support each of these objections is discussed below.

a. Objections to the Probate of the Will

The Objectors' objections to the probate of the will are based on his belief that the Petitioners have produced a fraudulent, invalid will. However, the affidavits of objection do not provide any facts to support his belief. Bald assertions of belief, unsupported by any personal knowledge, are not sufficient for an affidavit to withstand a motion to strike. *See, e.g., Ware v. Stanton*, 72 Mass. App. Ct. 1115, *1 (2008) (unpublished memorandum and order issued pursuant to rule 1:28) ("statements [that] are vague and based on unsupported belief as opposed to personal observation" do not meet specificity requirement).

The only facts provided in the Affidavit suggest reasons why the Testator "suffered deeply from a crazy form of depressive paranoia that was hidden from many who knew him" and that the Testator "was very intelligent and often very sociably pleasant, he was regarded to not be of sound mind as his depressive paranoia effected his judgment severely, possibly up until the last three weeks of his life, when it is believed his eyes were open[sic]ed." The Objector further objects that his inheritance is placed into trust. However, none of these facts indicate that the Testator lacked capacity when he executed the will on January 24, 2006 or that he executed an invalid will. While great detail is not required in an affidavit of objections, the affidavit must demonstrate some connection between the facts alleged and the legal elements or conclusions that the objector would ultimately need to establish to prevail. *See, e.g., Wimberly v. Jones, supra*

at 946 (holding that motion to strike affidavit of objections was properly allowed where affidavit failed to establish a connection between the fact that testator was "to undergo a life-endangering operation the next day," and her alleged lac of testamentary capacity). Here the Objector has failed to make any connection between the facts alleged and his conclusion that the Testator executed an invalid will.

b. Objections to the Appointment of Petitioner as Personal Representative

Where a will has been admitted to probate and the will names a person to serve as personal representative of the estate, "the judge is obliged to appoint" the nominated person if he or she is "suitable." *Grossman v. Grossman*, 343 Mass. 565, 568 (1962). *See also* G. L. c. 191B, § 12 (a) ("The person named in the will as personal representative or trustee shall be entitled to serve, if qualified, as personal representative or trustee"). A person is suitable if he or she has "the capacity and the will to discharge the duties in the particular case with fidelity and efficiency." *Grossman v. Grossman, supra* at 568. While the judge has some discretion in deciding whether an individual is suitable, the suitability standard is not meant to be a high bar—it has been said that "it requires a pretty strong objection" to find someone unsuitable and therefore refuse the testator's appointment. *Lindsey v. Ogden*, 10 Mass. App. Ct. 142, 146 (1980) (quoting 1 Newhall, Settlement of Estates§ 46, at 164 (4th ed. 1958)).

Here, Petitioners were nominated as executors in the Testator's will so if the will is admitted to

probate, the Court is obliged to appoint them as personal representatives unless they are not suitable. The only allegations in the Affidavit possibly relevant to Petitioners' suitability to serve as personal representative are that the Objector is "next of kin of the Decedent, the others applying for appointment for Special Personal Representative(s) are not." Looking only to the affidavit, and accepting all the statements therein as true, it does not appear that the Objector would be able to prove Petitioners' unsuitability.

The Affidavit in this matter fails to state specific facts sufficient to support either his objection to the probate of the will or objection to the appointment of Petitioners as personal representatives. Therefore the Court will allow Petitioner's motion to strike the affidavits of ' objections.

ORDER

1. Petitioners' motion is ALLOWED as to their request to strike the Notice of Appearance and Objection.

2. Petitioners' request to be appointed personal representatives of the estate is ALLOWED.

/s/ Lee Peterson
Justice of the Probate and
Family Court

Date: August 11, 2020

APPENDIX C.
DENIAL OF FURTHER APPELLATE REVIEW, SUPREME JUDICIAL COURT OF MASSACHUSSETTS (DECEMBER 15, 2023)

SUPREME JUDICIAL COURT FOR THE COMMONWEALTH OF MASSACHUSETTS

IN THE MATTER OF THE ESTATE OF BRUCE F. MILLER

Docket No. FAR-29572

Norfolk Probate & Family No. NO20P0037EA
A.C. No. 2022-P-0901

Please take note that on December 15, 2023, the application for further appellate review was denied.

/s/ Francis V. Kenneally
Clerk

Dated: December 15, 2023

To: Elizabeth Ann Caruso, Esquire
Paul N. Barbadoro, Esquire
Susan M. Molinari, Esquire
Misop Baynun
Sandra Miller

APPENIDX D.
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

CONSTITUTIONAL PROVISIONS

U.S. Constitution Amendment I [Religion and Expression]

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

U.S. Constitution Amendment I Annotation 5 [Free Exercise of Religion]

The Free Exercise Clause . . . withdraws from legislative power, state and federal, the exertion of any restraint on the free exercise of religion. Its purpose is to secure religious liberty in the individual by prohibiting any invasions there by civil authority." 178 It bars "governmental regulation of religious beliefs as such," 179 prohibiting misuse of secular governmental programs "to impede the observance of one or all religions or . . . to discriminate invidiously between religions . . . even though the burden may be characterized as being only indirect." 180 Freedom of conscience is the basis of the free exercise clause, and government may not penalize or discriminate against an individual or a group of individuals because of their religious views nor may it compel persons to affirm any particular beliefs. . . .

STATUTORY PROVISIONS

15 U.S.C. § 1692(E)(9)
[False or Misleading Representations]

(9) The use or distribution of any written communication which simulates or is falsely represented to be a document authorized, issued, or approved by any court, official, or agency of the United States or any State. or which creates a false impression as to its source, authorization, or approval.

18 U.S.C.§ 1001 (A)(3)
[Statements or Entries Generally] (False Writing)

(a)(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both. If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years.

42 U.S.C. § 1986
[Action for Neglect to Prevent]

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed,

shall be liable to the party injured, or his legal representatives for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action;. . . .

Massachusetts Constitution Amendments Article XVIII § 1

No law shall be passed prohibiting the free exercise of religion.

JUDICIAL RULES

Massachusetts Court Rules | Rule 12: Defenses And Objections | (F) Motion To Strike

Upon motion made by a party before responding to a pleading or, if no responsive pleading is permitted by these rules, upon motion made by a party within 20 days after the service of the pleading upon him or upon the court's own initiative at any time, the court may after hearing order stricken from any pleading any insufficient defense, or any redundant, immaterial, impertinent, or scandalous matter.

M.G.L. C. 190B, § 5-313 [Religious Freedom of Incapacitated Person]

It shall be the duty of all guardians appointed under this Article to protect and preserve the incapacitated person's right of freedom of religion and religious practice.

M.G.L. C. 191, § 1 [Chapter 191 Wills] [Section 1 Persons Authorized to Make Wills; Capacity; Execution]

Universal Citation: MA Gen L ch 191 § 1

[Text of Section effective until March 31, 2012. Repealed by 2008, 521, Sec. 10. See 2008, 521, Sec. 44 as amended by 2010, 409, Sec. 23 and 2011, 224.]

Section 1. Every person eighteen years of age or older and of sound mind may by his last will in writing, signed by him or by a person in his presence and by his express direction, and attested and subscribed in his presence by two or more competent witnesses, dispose of his property, real and personal, except an estate tail, and except as is provided in this chapter and in chapters one hundred and eighty-eight and one hundred and eighty-nine and in section one of chapter two hundred and nine.

M.G.L. C. 192, § 2 [Probate of Wills and Appointment of Executors] [Proof of Will in Uncontested Proceedings; Waiver of Proof]

Section 2. If it appears to the probate court, by the consent in writing of the heirs, or by other satisfactory evidence, that no person interested in the estate of deceased person intends to object to the probate of an instrument purporting to be the will of such deceased, the court may grant probate thereof; (i) upon the testimony of one of the subscribing witnesses; and the affidavit of such witness taken before the register or an assistant register of probate may be received as

evidence; (ii) without testimony if it is self-proved by affidavits of the testator and of the witnesses, each made before an officer authorized to administer oaths under the laws of the state where executed, under official seal, in form and content substantially as follows:

State of _____, County of _____, before me, the undersigned authority on this day personally appeared the testator and the witnesses whose names are signed to the attached or foregoing instrument, and, all of these persons being by me duly sworn; the testator declared to me and to the witnesses in my presence that the instrument is his last will and that he had willingly signed or directed another to sign for him, and that he executed it as his free and voluntary act for the purposes therein expressed; and each of the witnesses stated to me, in the presence of the testator, that he signed the will as witness and that to the best of his knowledge the testator was eighteen years of age or over, of sound mind and under no constraint or undue influence.

_____
(Testator),

_____
(Witness),

_____
(Witness).

Subscribed and sworn to before me by the said testator and the said witnesses, this _____ day of _____ A.D.

(Signed) _____

(Seal) _____

Official Capacity of officer

(iii) without testimony if it is executed, attested and made self-proved by affidavits of the testator and the witnesses, each affidavit being made before an officer authorized to administer oaths under the laws of the state where executed, and under official seal. The same signature shall be sufficient for the execution, or attestation and the affidavit. The form and content shall be substantially as follows:

I, the undersigned testator, do hereby declare that I sign (or direct another to sign for me) and execute this instrument as my last will, that I sign it willingly (or willingly direct another to sign for me) in the presence of each of said witnesses, and that I execute it as my free and voluntary act for the purposes herein expressed.

Testator

We, the undersigned witnesses, each do hereby declare in the presence of the aforesaid testator that the testator signed (or directed another to sign for him and said person signed for him) and executed this instrument as his last will in the presence of each of us, that he signed it willingly (or willingly directed another to sign it for him), that each of us hereby signs this will as witness in the presence of the testator, and that to the best of our knowledge the testator is eighteen (18) years of age or over, of sound mind, and under no constraint or undue influence.

_____
(Witness)

_____
(Witness)

STATE OF _____

COUNTY OF _____

Subscribed, sworn to and acknowledged before me by the said testator and witnesses this _____ day of _____ A.D.

(Signed) _____

(Seal) _____

Official Capacity

; or (iv) without testimony if the probate of such instrument is assented to in writing by the widow or husband of the deceased, if any, and by all the heirs at law and next of kin.

M.G.L C. 231, § 6F [Costs, Expenses and Interest for Insubstantial, Frivolous or Bad Faith Claims or Defenses]

Section 6F. Upon motion of any party in any civil action in which a finding, verdict, decision, award, order or judgment has been made by a judge or justice or by a jury, auditor, master or other finder of fact, the court may determine, after a hearing, as a separate and distinct finding, that all or substantially all of the claims, defenses, setoffs or counterclaims, whether of a factual, legal or mixed nature, made by any party who was represented by counsel during most or all of the proceeding, were wholly insubstantial, frivolous

and not advanced in good faith. The court shall include in such finding the specific facts and reasons on which the finding is based.

If such a finding is made with respect to a party's claims, the court shall award to each party against whom such claims were asserted an amount representing the reasonable counsel fees and other costs and expenses incurred in defending against such claims. If the party against whom such claims were asserted was not represented by counsel, the court shall award to such party an amount representing his reasonable costs, expenses and effort in defending against such claims. If such a finding is made with respect to a party's defenses, setoffs or counterclaims, the court shall award to each party against whom such defenses, setoffs or counterclaims were asserted (1) interest on the unpaid portion of the monetary claim at issue in such defense, setoff or counterclaim at one hundred and fifty per cent of the rate set in section six C from the date when the claim was due to the claimant pursuant to the substantive rules of law pertaining thereto, which date shall be stated in the award, until the claim is paid in full; and (2) an amount representing the reasonable counsel fees, costs and expenses of the claimant in prosecuting his claims or in defending against those setoffs or counterclaims found to have been wholly insubstantial, frivolous and not advanced in good faith.

Apart from any award made pursuant to the preceding paragraph, if the court finds that all or substantially all of the defenses, setoffs or counterclaims to any portion of a monetary claim made

by any party who was represented by counsel during most or all of the proceeding were wholly insubstantial, frivolous and not advanced in good faith, the court shall award interest to the claimant on that portion of the claim according to the provisions of the preceding paragraph.

In any award made pursuant to either of the preceding paragraphs, the court shall specify in reasonable detail the method by which the amount of the award was computed and the calculation thereof. No finding shall be made that any claim, defense, setoff or counterclaim was wholly insubstantial, frivolous and not advanced in good faith solely because a novel or unusual argument or principle of law was advanced in support thereof. No such finding shall be made in any action in which judgment was entered by default without an appearance having been entered by the defendant. The authority granted to a court by this section shall be in addition to, and not in limitation of, that already established by law.

If any parties to a civil action shall settle the dispute which was the subject thereof and shall file in the appropriate court documents setting forth such settlement, the court shall not make any finding or award pursuant to this section with respect to such parties. If an award had previously been made pursuant to this section, such award shall be vacated unless the parties shall agree otherwise.

In proceedings under this section in any action which has been heard by the medical malpractice tribunal established pursuant to section sixty B, the decision of the tribunal may be introduced as

evidence relevant to whether a claim was wholly insubstantial, frivolous and not advanced in good faith.

Upon receiving an inmate's complaint and affidavit of indigency, the court may, at any time, upon motion or sua sponte: (1) dismiss a claim or any action without a hearing if satisfied that the claim or action is frivolous or in bad faith; or (2) conduct a hearing presided over by the court or an appointed master, which shall be held telephonically unless the court finds that a hearing in court is necessary, to determine whether the inmate's action is frivolous and in bad faith.

If the court finds that the claim or action is frivolous or in bad faith, the court shall dismiss the claim or action but if, after hearing, the court finds that the claim is both frivolous and in bad faith in order to abuse the judicial process, the court shall, in addition to dismissing such claim or action, order that the inmate lose up to 60 days of good conduct credit earned or to be earned pursuant to section 129C or 129D of chapter 127.

If the court finds at any time that the inmate has repeatedly abused the integrity of the judicial system through frivolous filings, the court may order that the inmate be barred from filing future actions without leave of court. In determining whether a claim or action is frivolous or in bad faith, the court may consider several factors including, but not limited to, the following:-(a) whether the claim or action has no arguable basis in law or in fact; (b) the claim or action is substantially similar to a previous claim in that it is brought by and against the same parties and in

that the claim arises from the same operative facts of the previous claim.

No finding shall be made that a claim or action is frivolous or in bad faith solely because a novel or unusual argument or principle of law was advanced in support thereof.

Rule 10. Considerations Governing Review On Writ of Certiorari

Review on a writ of certiorari is not a matter of right, but of judicial discretion. A petition for a writ of certiorari will be granted only for compelling reasons. The following, although neither controlling nor fully measuring the Court's discretion, indicate the character of the reasons the Court considers:

- (a) a United States court of appeals has entered a decision in conflict with the decision of another United States court of appeals on the same important matter; has decided an important federal question in a way that conflicts with a decision by a state court of last resort; or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power;
- (b) a state court of last resort has decided an important federal question in a way that conflicts with the decision of another state court of last resort or of a United States court of appeals;

- (c) a state court or a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.

APPENDIX E.
APPELLANT'S RESPONSE TO APPELLEES' MOTION FOR ATTORNEY'S FEES FROM APPELLANT MISOP BAYNUN (NOVEMBER 14, 2023)

COMMONWEALTH OF
MASSACHUSETTS APPEALS COURT

No. 2022-P-0901
Norfolk, ss.

Misop Baynun, Appellant

v.

Bruce Hiltunen and Robert Hiltunen, Appellees

On Appeal From Norfolk Probate and Family Court

Appellant's Response To Appellees' Motion
For Attorney's Fees From Appellant Misop Baynun

APPELLANT'S RESPONSE TO APPELLEES' MOTION FOR ATTORNEY'S FEES TO THE HONORABLE COURT:

Date: 11/14/2023

Misop Baynun
91 Clay Street, Suite 210
Quincy, MA, 02170

(617) 269-6237
MisopBaynun@MagPro.com

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TO THE HONORABLE COURT:

Appellant Misop Baynun respectfully files this Response Brief pursuant to this Appeals Court Summary Decision dated October 19, 2023, and responds to the Appellees' request for attorney's fees as follows:

INTRODUCTION:

Pursuant to this Court's Order, the Appellees and their counsel have produced their Appellees' Motion For Attorney's Fees with billing statements included, which the Appellant has had the opportunity to review. The Appellant objects to the reasonableness of the Appellees' attorney fees based on the following reasons: 1) Their Claim To Legal Fees Is Inconsistent With The Law They Quote To Try To Justify This, 2) The Personal Representatives Are Charged To Administer The Estate To The Benefit Of The Beneficiaries And Not To Their Potential Financial Ruin, 3) This Court Should Not Punish Someone For Rightfully Seeking Constitutionally Protected Religious Freedom Rights, 4) Attorneys Who Did Not Apply On Time To Represent Then Appellees Should Not Be Awarded Legal Fees Because Of This, 5) Attorney's Fees Should Only Be Awarded Commensurate With Damages, But There Were None, and 6) The Appellant Has Submitted Both A Motion For Reconsideration And An Application For Further Appellate Review, Either Of Which Could Alter The Decision Provided In The Summary Decision If Successful.

ARGUMENT:

The Appellant respectfully asks this Court to deny the Appellees' request for attorney's fees or reduce the fees awarded to them.

1) THEIR CLAIM TO LEGAL FEES IS INCONSISTENT WITH THE LAW THEY QUOTE TO TRY TO JUSTIFY THIS

First, regarding the Appellees' Motion For Attorney's Fees sought against the Appellant, Misop Baynun, Baynun contends that these were unrightfully charged against him. As such, in his Motion For Reconsideration, in "Issue 4) The Legal Fees Charged The Appellant Issue" on page 12 of that document, Misop stated the following:

"G.L. c. 231, § 6F shows that frivolous legal fees claims may only be awarded against 'any party who was represented by counsel during most or all of the proceeding....' Yet Misop Baynun (that's me, for in legal pleadings, I have often referred to myself in the third person) was not once represented by counsel during the entire appeal. Furthermore, although such shouldn't apply regarding legal fees sought in an appeal, Baynun wrote all his legal papers during lower court proceedings—yet once, a lawyer who barely worked with him submitted a court form and a document [that Baynun wrote] to the court for him. Yet that lawyer never appeared at any of the three lower court hearings. Moreover, none of Baynun's claims were ever "wholly insubstantial, frivolous and not advanced in good faith" as G.L. c. 231, § 6F claims they must be for a court to penalize someone for bringing an issue before it. Claiming a matter of faith—religious freedom rights—and the other important matters

raised in this appeal 'wholly insubstantial, frivolous, and not advanced in good faith' is ironic and untrue.

The points the Appellant Baynun argued before the Appeals Court were not frivolous claims; they were legitimate claims that could have, and, the Appellant believes, should have been decided in his favor. Many of the legitimate legal concerns that Baynun brought before this court, including The Religious Freedom Rights Issue and the Lack Of Proper Execution Of The Alleged Will, have not yet been addressed or decided upon by this or any other court:

G.L. c. 192, § 2 says concerning a will, "If it appears to the probate court, by the consent in writing of the heirs, or by other satisfactory evidence ...the court may grant probate thereof...(ii) without testimony if it is self-proved by affidavits of the testator and of the witnesses, each made before an officer authorized to administer oaths under the laws of the state where executed, under official seal, in form and content substantially as follows:...." Yet there is no "official seal" on the document purported to be a valid will. Just because neither the lower court nor the Appeals Court has yet addressed this issue brought before them via documents submitted to the courts on time—the 1st Notice Of Appearance And Objection in Item 2(a) [RA/37], the Appellant's Brief in Item 3) Lack Of Proper Execution Of The Alleged Will pp39–40—in neither the lower court decision nor the Appeals Court Summary Decision, doesn't make this a frivolous claim, regardless of how the courts might eventually decide this issue.

It is a provable fact that there is no Official Seal on the document purported by other parties to be a valid will, and the Will is not in the form required by

Massachusetts law at the time of execution; this proves, I suggest, not only that this was not a frivolous claim but also that the only way to assert that the Will was made per G.L. c. 192, § 2 is by not applying this law fairly in this matter or by claiming that there is an official seal on this document when there isn't one. The No Official Seal On Purported Will Issue brought before this Appeals Court was not a frivolous claim but something that should be decided on per the law fairly applied to all parties.

As such, I submit that G.L. c. 231, § 6F should not be used to charge the Appellant legal fees; moreover, I recommend that legal fees not be awarded against him. I would greatly appreciate your consideration on this matter.

2) THE PERSONAL REPRESENTATIVES ARE CHARGED TO ADMINISTER THE ESTATE TO THE BENEFIT OF THE BENEFICIARIES AND NOT TO THEIR POTENTIAL FINANCIAL RUIN

The Appellant is a beneficiary of the Estate of Bruce F. Miller, the beloved Pops of his two sons. He is also someone who is trying to avoid homelessness due to the current Personal Representatives and their large law firm, at which one of the Appellees works, hired with his inheritance money against his request, seeking $16,234.50 in legal fees. Misop believes that the lower court unrightfully awarded control of his rightful inheritance to the current PRs. Now, they are seeking even more money from the Appellant due to their choosing to spend estate money in fighting against his religious freedom rights and now seeking legal fees that they shouldn't have sought to prevent

a beneficiary from having his religious freedom rights protected.

The law states that these should not be charged him, as discussed above and below. In a country that is fond of touting "justice for all," if these legal fees are awarded against him by this court, this could indicate that the justice system is okay with applying the law selectively to help benefit those it chooses to benefit, even possibly to the harm of others who want the 1st Amendment applied justly to them.

The Appellant, Baynun, has not been trying to protect his religious freedom rights to be a pain in the neck to anyone, nor has he financially harmed the Appellees himself in any way. Yet the Appellant, due to lack of funds and due to the Personal Representatives not paying the beneficiaries the 10% amount of the estate that was due them on March 8, 2023, has been forced to try to learn the law himself and defend himself to hopefully one day see his religious freedom rights protected as they should be and as the 1st Amendment claims they should be protected. Yet Baynun realizes these courts could ignore his pleas for his religious freedom rights to be protected if it chooses to do so.

Misop is trying to prevent another disabled veteran, himself, from going further into poverty or homelessness. He is looking for fair treatment and justice. An unjust awarding of these legal fees that the Appellant contends were unrightfully charged against him by those entrusted to look out for his benefit, I respectfully ask this court to deny.

3) THIS COURT SHOULD NOT PUNISH SOMEONE FOR RIGHTFULLY SEEKING CONSTITUTIONALLY PROTECTED RELIGIOUS FREEDOM RIGHTS

This Appeal involves a religious freedom rights issue, and for seeking such, I suggest this court should not punish someone, as this is a constitutionally provided 1st Amendment right that should have been protected by everyone beginning as early as the lower court proceedings or preferably before then. Furthermore, Probate law states that Guardians, who have a similar role as a Personal Representative, should seek to protect the religious choices of the persons they are assigned to look out for. Please *see* G.L. c. 190B, § 5-313 [Religious freedom of incapacitated person]: "It shall be the duty of all guardians appointed under this Article to protect and preserve the incapacitated person's right of freedom of religion and religious practice." RA/119.

Yet protection of a person's religious freedom rights should be provided for all persons, whether incapacitated or not, especially by one's Personal Representatives.

Now, I'm not trying to claim that this Appeals Court or the Appellees are guilty of what Jesus claimed the scribes and Pharisees were guilty of. Still, I quote the following passage to try and show that the weightier matters of religious freedom rights, the apparent non-adherence to applicable law as in The No Official Seal On Purported Will Issue, and since applicable law suggests the courts not award legal fees in a matter as this one, one should not ignore:

> "Woe unto you, scribes and Pharisees, hypocrites! for ye pay tithe of mint and anise and cummin, and have omitted the weightier matters of the law, judgment, mercy, and faith: these ought ye to have done, and not to leave the other undone. Ye blind guides, which strain at a gnat, and swallow a camel."
>
> Matthew 23:23–24 KJV

The right to make secret agreements with those whom a Court psychologist/psychiatrist had diagnosed with depressive paranoia to take control of others' rightful inheritances is not protected for us in the Constitution, yet religious freedom rights are.

Therefore, think of the precedent of injustice this Appeals Court could leave by charging a disabled veteran like Baynun or anyone else $16,234.50 of legal fees for fighting for his religious freedom rights. This would be unjust. Please, do not allow this.

4) ATTORNEYS WHO DID NOT APPLY ON TIME TO REPRESENT THE APPELLEES SHOULD NOT BE AWARDED LEGAL FEES BECAUSE OF THIS

There is one lawyer listed as Lead Counsel for the Appellees at the eFileMA website where most, if not all, of the documents submitted by both parties involved in this appeal submitted their documents. At this eFileMA website, Elizabeth Ann Caruso is listed as the Lead Counsel and the only counsel for the Appellees.

When I called the Appeals Court Clerk's Office, in contrast to the eFileMA website information, an Appeals Court clerk kindly told me that there are

three attorneys listed for the Appellees: Elizabeth Ann Caruso, Esq. (Lead Counsel), Paul N. Barbadoro, Esq., and Susan M. Molinari, Esq.

Yet, I suggest that similar to how the Appellees persuaded this Appeals Court to remove Sandra Miller as an Appellant due to her not filing or not filing a court document on time, even after she had been previously named as one of the Appellants by this Appeals Court, that Barbadoro and Molina should be removed as attorneys for the Appellees because they filed to replace Caruso—and Caruso requested to withdraw as the Appellees counsel—it seems too late. Yet I request this court double check this, as I do not have the court records of when they notified this Appeals Court of when Caruso requested to be removed and when Barbadoro and Molina requested to be added as the Appellees' lawyers.

Furthermore, if they did file too late, I suggest none of the pleadings or the Appellees' Motion For Attorney's Fees by the Appellees via the late filing attorneys should be accepted by this court regarding 2022-P-0901 as they were submitted by attorneys Paul N. Barbadoro, Esq. or Susan M. Molinari, Esq., who are not Elizabeth Ann Caruso, Esq., yet Elizabeth Ann Caruso I suggest should be the only attorney permitted to represent the Appellees in this case or request legal fees if they had not made other arrangement on time. I mention this to help further persuade this court not to award the Appellees the legal fees they seek from the Appellant.

Susan M. Molinari, Esq., the apparent drafter of the legal fee charges schedule for the Appellees, and Paul N. Barbadoro, Esq., it seems either were not or should not have been approved to represent the

Appellees as they filed to do so too late. They may not be or may be incorrectly listed as lawyers approved by this court to work as attorneys on this case. The only person listed as Lead Attorney and who I suggest, if it be fitting with the law regarding this, should be authorized to work as counsel for the Appellees on this case is Elizabeth Ann Caruso, yet she did not once file into this case nor seek any legal fees. Elizabeth Ann Caruso, Esq., if the others filed too late, I suggest, should have been the only person allowed to file into this case for the Appellees and, if applicable, seek legal fees.

5) ATTORNEY'S FEES SHOULD ONLY BE AWARDED COMMENSURATE WITH DAMAGES, BUT THERE WERE NONE

The Appellees' failure to recover damages should defeat or significantly reduce the Appellees' claim for attorney's fees. In setting attorney fees, courts should consider "the results obtained." *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714, 717-720 (5th Cir. 1974). If a party achieves only partial success at trial [or, in this case, where no monetary gain was received], full recovery of that party's attorney fees may be excessive. *Hensley v. Eckerhart*, 461 U.S. 424, 436 (1983). The degree of a party's overall success goes to the reasonableness of a fee award. *Id.* In fact, "the most critical factor in determining the reasonableness of a fee award is the degree of success obtained." *Farrar v. Hobby*, 506 U.S. 103, 114 (1992).

The United States Supreme Court has expressly stated that when a plaintiff recovers only nominal damages because he failed to prove an essential element of his claim for monetary relief, the only rea-

sonable fee is usually no fee at all. Farrar, 506 U.S. at 104, 115. Yet, in this case, the Appellees recovered no damages because they have not been financially harmed by the Appellant, which mainly concerns a person whose religious freedom rights they should be seeking to protect and not violate. In Farrar, the Supreme Court noted that the plaintiff was a prevailing party because the Plaintiff established an actual violation of his civil rights. *Id.* at 113. However, the Plaintiff had requested $17 million in damages but was awarded only nominal damages. *Id.* at 114. The Court noted that in some circumstances, even a plaintiff who formally prevails should receive no attorney's fees at all, and a plaintiff who seeks compensatory damages but receives nothing more than nominal damages is often such a prevailing party. *Id.* at 115. The awarding of nominal damages highlights a plaintiff's failure to prove actual, compensable injury. *Id.* The Farrar case concerned a civil rights issue.

The limited success doctrine for eliminating or reducing attorney's fees should be applied in this case, as the Appellees suffered no damages from the Appellant, only control of his inheritance.

6) THE APPELLANT HAS SUBMITTED BOTH A MOTION FOR RECONSIDERATION AND AN APPLICATION FOR FURTHER APPELLATE REVIEW, EITHER OF WHICH COULD ALTER THE DECISION PROVIDED IN THE SUMMARY DECISION IF SUCCESSFUL

Hopefully, soon, in response to Baynun's Motion For Reconsideration filed on November 2 or his Application For Further Appellate Review filed shortly after

that or for some other reason, Baynun will see his religious freedom rights protected.

CONCLUSION

For the preceding reasons, the Appellant respectfully requests that this Court deny or significantly reduce the Appellees' claims for attorney's fees.

Respectfully submitted,

/s/ Misop Baynun
Misop Baynun
91 Clay Street, Suite 210
Quincy, MA, 02170
(617) 269-6237
MisopBaynun@MagPro.com

Date: 11/14/2023

APPENDIX F.
KING JAMES BIBLE PASSAGES

Numbers 27:6–11 KJV

6 And the Lord spake unto Moses, saying,

7 The daughters of Zelophehad speak right: thou shalt surely give them a possession of an inheritance among their father's brethren; and thou shalt cause the inheritance of their father to pass unto them.

8 And thou shalt speak unto the children of Israel, saying, If a man die, and have no son, then ye shall cause his inheritance to pass unto his daughter.

9 And if he have no daughter, then ye shall give his inheritance unto his brethren.

10 And if he have no brethren, then ye shall give his inheritance unto his father's brethren.

11 And if his father have no brethren, then ye shall give his inheritance unto his kinsman that is next to him of his family, and he shall possess it: and it shall be unto the children of Israel a statute of judgment, as the Lord commanded Moses.

Luke 6:31 KJV

31 And as ye would that men should do to you, do ye also to them likewise.

2 Corinthians 6:14–18 KJV Entanglements

14 Be ye not unequally yoked together with unbelievers: for what fellowship hath righteousness with unrighteousness? and what communion hath light with darkness?

15 And what concord hath Christ with Belial? or what part hath he that believeth with an infidel?

16 And what agreement hath the temple of God with idols? for ye are the temple of the living God; as God hath said, I will dwell in them, and walk in them; and I will be their God, and they shall be my people.

17 Wherefore come out from among them, and be ye separate, saith the Lord, and touch not the unclean thing; and I will receive you.

18 And will be a Father unto you, and ye shall be my sons and daughters, saith the Lord Almighty.

CERTIFICATE OF SERVICE

Pursuant to Mass.R.A.P. 13(d), I hereby certify, under the penalties of perjury, that on 7/18/2024, I have made service of this Motion upon the attorney of record for each party, or if the party has no attorney then I made service directly to the self-represented party, by the Electronic Filing System on:

Paul N. Barbadoro, Esq.
Baker, Braverman, & Barbadoro, P.C.
300 Crown Colony Drive, Suite 500
Quincy, MA 02169-0904
BBO # 028850
(781)848-9610
paulb@bbb-lawfirm.com

Elizabeth Ann Caruso, Esq.
80 Washington Street
Building S, Suite 102
Norwell, MA 02061
BBO #680266
(781)971-5900
elizabeth@legacylegalplanning.com

Jeff Miller
91 Clay Street
Suite 210
Quincy, MA 02170
humanperson72@yahoo.com

Sandra J. Miller
91 Clay Street
Suite 210
Quincy, MA 02170
sandytax@comcast.net

/s/ Misop Baynun
Misop Baynun
91 Clay Street, Suite 210
Quincy, MA, 02170
(617) 269-6237
MisopBaynun@MagPro.com

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