| STATEMENT OF SMALL CLAIM AND NOTICE | DOCKET NO. (For Court Use Only) | Trial Court of Massachusetts Small Claims Session |
|---|---|---|

**NOTICE TO PLAINTIFF**: You may file your small claim only in the court for the area where either the plaintiff or the defendant lives or has a place of business or employment. A small claim against a landlord arising from the rental of an apartment may also be brought where the apartment is located. You may find it easier to enforce a decision in your favor if you bring your small claim where the defendant lives or works, but you are not required to do so.

COURT DIVISION WHERE THE PLAINTIFF IS FILING THIS CLAIM (Select Only One Court):

**BMC:**

**District:**

**Housing:** Northeastern - Salem

| **PLAINTIFF INFORMATION:** The person filing the claim is the plaintiff. | **PLAINTIFF'S ATTORNEY** (if any) |
|---|---|
| Pltf. Name: **Chad Phillips** | Atty. Name: |
| Address: **2 Victory Road #6** | Address: |
| City/State/Zip: **Lynn, MA 01902** | City/State/Zip: |
| Phone No.: **3035201910** | Phone No.: BBO NO: |

**DEFENDANT(S) INFORMATION:** The person or corporation being sued is the defendant. If you are suing a company which is not a corporation, you should name the owner(s) doing business as the named company as the defendant; the names of the owner(s) can be obtained from the City or Town Clerk where the company's offices are located. If you are suing a company which is a corporation, you must have the exact legal name. You can find this information from the Corporate Records Division of the Secretary of State's Office, One Ashburton Place, Room 1712, Boston, MA 02108.

| Def. #1 Name: **Wilgens Joseph** | Def. #2 Name: **Berline Joseph** |
|---|---|
| Address: **5108 Chestnut West #108** | Address: **14 Beachview Ave** |
| City/State/Zip: **Randolph, MA 02368** | City/State/Zip: **Saugus, MA 01906** |
| Phone No.: **7814757086** | Phone No.: |

**PLAINTIFF'S CLAIM:** Fill in below the amount you are suing for and briefly explain your claim. State your claim clearly so the defendant can understand why he or she is being sued. Give the date of the event that is the basis of your claim. Fill in as "costs" the amount of the filing fee. The Plaintiff claims that the Defendant(s) **OWE** **$2,617.50** plus **$100.00** court costs for the following reasons:

**Plaintiff rented at 26 Sanderson Avenue, Lynn, MA beginning October 15, 2025 at $900/month. During the tenancy, the premises had serious unresolved defects, including repeated roof leaks causing water to drip onto Plaintiff's bed and mattress, and a promised downstairs bathroom that was never made functional.**

**Plaintiff notified Defendant promptly and repeatedly, beginning October 31, 2025, including text notice, a written repair request dated November 26, 2025, and a Chapter 93A demand letter dated January 7, 2026. The leak recurred on multiple occasions over approximately three months, damaged Plaintiff's mattress, disrupted use of the bedroom, and substantially interfered with Plaintiff's use and enjoyment of the premises. Defendant acknowledged the issues and promised repairs, but failed to correct them within a reasonable time.**

**Plaintiff vacated on January 31, 2026 due to the unresolved conditions. Defendant also retained Plaintiff's prepaid February 2026 rent/last month's rent of $900, despite Plaintiff not occupying the premises in February.**

**Defendant's acts and omissions breached the implied warranty of habitability and caused damages. Plaintiff seeks rent abatement, property damage, return of prepaid February rent, and any other relief the Court deems proper.**

**SIGNATURE OF PLAINTIFF**: **X** /s/ Chad Phillips **DATE**: 5/15/2026

**MEDIATION:** Mediation of this claim may be available if both parties agree to discuss the matter with a mediator, who will assist the parties in trying to resolve the dispute on mutually agreed to terms. The plaintiff must notify the court if he or she desires mediation; the defendant may consent to mediation on the trial date. The plaintiff is willing to attempt to settle this claim through mediation: ☐ YES ☒ NO

**MILITARY AFFIDAVIT:** The plaintiff states under the pains and penalties of perjury that the:

☐ above defendant(s) is (are) not serving in the military and at present live(s) or works at the above address.
**Wilgens Joseph ; Berline Joseph**

☐ above defendant(s) is (are) serving in the military. ☒ I am unsure if the above defendant(s) is (are) in the military.

**SIGNATURE OF PLAINTIFF**: **X** /s/ Chad Phillips **DATE**: 5/15/2026

**INSTRUCTIONS TO PLAINTIFF:** "By E-Filing this form, which includes the military affidavit, you certify that the above information is true and accurate. By completing this form, together with a payment of the filing fee, the form will be sent to the court electronically. If you do not know where to file your Small Claims case visit: www.mass.gov/courthouse-locator. If a claim arises out of plaintiff's trade or commerce, or for assigned debt, you may be required to complete and file a "Verification of Defendant's Address" form."