

NOT FOR PUBLICATION

**UNITED STATES BANKRUPTCY APPELLATE PANEL
FOR THE FIRST CIRCUIT**

BAP No. MB 98-042

**IN RE: ARLENE A. ZARTHAR,
Debtor.**

HAROLD B. MURPHY, TRUSTEE,

Appellant,

v.

ARLENE A. ZARTHAR,

Appellee.

**Appeal from the United States Bankruptcy Court
for the District of Massachusetts
(Hon. Joan N. Feeney, U.S. Bankruptcy Judge)**

Before

Goodman, Haines and Carlo, U.S. Bankruptcy Judges

Andrew G. Lizotte, Esq. and Hanify & King, P.C., on brief for the Appellant.

Michael S. Kalis, Esq., on brief for the Appellee.

September 9, 1998

Per Curiam

_____Chapter 7 trustee, Harold B. Murphy, appeals the bankruptcy court's order overruling his objection to the debtor's homestead exemption claim. We affirm the lower court's ruling on the authority of our recently-promulgated decision in Bruin Portfolio, LLC v. Leicht (In re Leicht), BAP No. MW 97-067, 1998 WL 424174 (B.A.P. 1st Cir. July 7, 1998).

In re Leicht held that the Massachusetts homestead exemption's exception for contract debts incurred before the filing of a homestead declaration does not operate in bankruptcy. That case addresses and resolves (against appellant) all issues critical to the appeal. See In re Leicht, 1998 WL 424174, at *9-10.

Further explication is unnecessary.

The order of the bankruptcy court overruling appellant's objection to the debtor's homestead exemption is **AFFIRMED**.