

UNITED STATES BANKRUPTCY APPELLATE PANEL
FOR THE FIRST CIRCUIT

BAP No. MB 98-096

**IN RE: SANDI BONFIGLIO,
Debtor.**

HAROLD B. MURPHY, TRUSTEE,

Appellant,

v.

SANDI BONFIGLIO,

Appellee.

**Appeal from the United States Bankruptcy Court
for the District of Massachusetts
(Hon. William C. Hillman, 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.

Mark H. Vanger, Esq., on brief for the Appellee.

January 29, 1999

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 the First Circuit's decision in Patriot Portfolio, LLC, v. Weinstein, __ F.3d __ (1st Cir. 1999).

In re Weinstein 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.

Further explication is unnecessary.

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