

NOT FOR PUBLICATION

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

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**BAP No. MB 98-038**

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**IN RE: DENNIS FLYNN,  
Debtor.**

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**HAROLD B. MURPHY, Trustee,**

**Appellant,**

**v.**

**DENNIS FLYNN,**

**Appellee.**

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

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

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**Deena F. Christelis and Hanify & King, P.C., on brief for the Appellant.**

**Joseph S. Mulkern, Jr., Esq., on brief for the Appellee.**

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**September 9, 1998**

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**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**.