

**SENATE . . . . . No. 1704**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act authorizing the Appeals Court to reinstate a certain unheard case of Vincent F. Zarrilli vs. Capital Bank and Trust Company ET AL..

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. That judgment of dismissal of July 22, 1980 in the case of Vincent F.  
2 Zarrilli vs. Capitol Bank and Trust Company et al shall be set aside on motion of the appellant,  
3 so as to rectify an apparent injustice, satisfy a moral obligation, and serve the public good in that  
4 the Commonwealth, due to a procedural and technical defect, dismissed a brief and appendix of  
5 approximately one thousand pages without a hearing on the merits for lack of timeliness—it  
6 appearing that said brief was five days late. Said brief involved a well-pleaded allegation that  
7 certain commercial property located at 621 Boston Post Road, Sudbury, Massachusetts was  
8 improperly foreclosed by appellees in violation of Chapter 244, Section 14. It being a matter of  
9 record that the approximate total number of foreclosures cases entered in the land court alone,  
10 apart from superior and probate court proceedings in the last five years, exceeds forty-five  
11 thousand, that current decisional law on this subject as will follow from the passage of this bill  
12 serves the best interests of all citizens of the Commonwealth.

13           SECTION 2. This act shall take effect upon its passage.