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By Mr. Bulger, a petition (accompanied by bill, Senate, No. 604) of William M. Bulger for legislation to provide for relief from judgement in certain cases. The Judiciary.

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## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Six.

### AN ACT TO PROVIDE FOR RELIEF FROM JUDGMENT IN CERTAIN CASES.

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

1 The General Laws of Massachusetts are hereby amended by  
2 inserting in chapter 250 of said laws the following: —

3 *Section 15. Motion To Vacate*

4 If a final judgment has been entered in a civil action in any  
5 court in an action for which there is no provision by statute  
6 or rule of court for a procedure for vacating judgment, either  
7 party, or any one or more of several plaintiffs or defendants,  
8 within one year thereafter may file in said action, a motion to  
9 vacate said judgment.

10 *Section 16. Notice; Order; Hearing*

11 Notice of the filing of such motion shall be given to all other  
12 parties in the action by the party, or the attorney for the party  
13 making the motion. Said motion shall be placed on the motion  
14 list for the first civil motion day at least three days after the  
15 filing of said motion. Notice of the filing and marking of said  
16 motion shall be sent to all parties in the action by the party  
17 filing said motion or his attorney.

18 Upon the filing of such motion, execution, if it has not issued,  
19 shall be stayed until a hearing on the motion shall be had.

20 If execution has issued, the court may issue an order to the  
21 party in whose favor the judgment was entered, and any officer  
22 to whom the execution has been delivered, that, pending a  
23 hearing on the motion to vacate judgment, the execution is  
24 not to be enforced .

25 Upon the hearing of such motion, the court may vacate such

26 judgment, and dispose of the case if the judgment has not been  
27 entered.

28 *Section 17. Security*

29 In vacating the judgment, the court may impose such terms  
30 and conditions for the security of the party in whose favor the  
31 judgment was entered as are proper; *provided that* in vacating  
32 any judgment entered in an action brought to recover resi-  
33 dential premises under Massachusetts General Laws chapter  
34 239 the court shall require no bond or other security greater  
35 than one month's rent computed as of the most recently agreed  
36 to rental, and the periodic deposit of rent as the same becomes  
37 due, or, if the premises are in defective condition, of the fair  
38 value for the use and occupation of the premises; and, *provided*  
39 further that the court shall waive such bond or security where  
40 the party moving to vacate the judgment demonstrates that he  
41 meets the waiver requirements set forth in Massachusetts Gen-  
42 eral Laws chapter 239, §5.

43 Nothing herein shall prohibit the court from waiving bond  
44 or requiring periodic payment in vacating judgments in other  
45 actions.