



TREMONT SAVINGS & LOAN ASSOCIATION v. PRESTIGE HOMES

313 N.Y.S.2d 942 (1970) | Cited 0 times | New York Supreme Court | May 25, 1970

In our opinion the stipulated list of building violations, as contained in the handwritten notes of the witness, and referred to by him in his testimony, should have been included in the record on appeal. Absent a critical date for submission of the list [exhibit] we feel that the rendition of the decision denying leave to enter a deficiency judgment was precipitate. On remission, the Special Term may receive into evidence the handwritten notes of the witness, or a true copy thereof, as the same may be found and settled by the Special Term.

Disposition

Order reversed, on the law and the facts, with \$10 costs and disbursements to plaintiff against respondents Parmet, and motion remitted to the Special Term for settlement of the record on appeal in accordance with the views herein, and for such further and other action, if any, as Special Term may deem appropriate and which is not inconsistent herewith.

