

## CHAPTER 676

### JUDGMENT BY CONFESSION

|       |                                        |       |                       |
|-------|----------------------------------------|-------|-----------------------|
| 676.1 | Judgment by confession — how entered.  | 676.3 | Statement.            |
| 676.2 | For money only — contingent liability. | 676.4 | Judgment — execution. |

#### **676.1 Judgment by confession — how entered.**

A judgment by confession, without action, may be entered by the clerk of the district court. [C51, §1837; R60, §3397; C73, §2894; C97, §3813; C24, 27, 31, 35, 39, §12668; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §676.1]

#### **676.2 For money only — contingent liability.**

The judgment can be only for money due or to become due, or to secure a person against contingent liabilities on behalf of the defendant, and must be for a specified sum.

[C51, §1838; R60, §3398; C73, §2895; C97, §3814; C24, 27, 31, 35, 39, §12669; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §676.2]

#### **676.3 Statement.**

A statement in writing must be made, signed, and verified by the defendant, and filed with the clerk, to the following effect:

1. If for money due or to become due, it must state concisely the facts out of which the indebtedness arose, and that the sum confessed therefor is justly due, or to become due, as the case may be.

2. If for the purpose of securing the plaintiff against a contingent liability, it must state concisely the facts constituting such liability, and must show that the sum confessed therefor does not exceed the same.

[C51, §1839; R60, §3399; C73, §2896; C97, §3815; C24, 27, 31, 35, 39, §12670; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §676.3]

#### **676.4 Judgment — execution.**

The clerk shall thereupon make an entry of judgment in the clerk's court record for the amount confessed and costs, and shall issue execution thereon as in other cases, when ordered by the party entitled thereto.

[C51, §1840; R60, §3400; C73, §2897; C97, §3816; C24, 27, 31, 35, 39, §12671; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, 79, 81, §676.4]