

## **TITLE 3**

# **REMEDIES AND SPECIAL ACTIONS AND PROCEEDINGS**

- Chapter 26. Judgments and Decrees by Confession  
27. Submitting Controversy Without Action or Suit  
28. Declaratory Judgments  
29. Attachment and Garnishment; Civil Arrest; Claim and Delivery (Replevin)  
30. Actions and Suits in Particular Cases  
31. Receivership  
32. Injunctions  
33. Special Proceedings  
34. Writs  
35. Eminent Domain Procedure

---

## **Chapter 26**

### **Judgments and Decrees by Confession**

<b>CONFESSION AFTER COMMENCEMENT OF SUIT OR ACTION</b>	<b>CONFESSION WITHOUT ACTION</b>
26.010 Plaintiff's assent required; limitation on judgment or decree	26.110 Circumstances under which confession can be made
26.020 Who may confess judgment	26.120 Form and procedure
26.030 Judgment or decree against several defendants on confession of one	26.130 Contingent liability; judgment payable in installments
26.040 Form and procedure	

### **CROSS REFERENCES**

Appeal from a judgment or decree given by confession, 19.020	Contents of entry of judgment or decree given by confession, 18.070
--	---



**CONFESSION AFTER COMMENCEMENT OF SUIT OR ACTION**

**26.010 Plaintiff's assent required; limitation on judgment or decree.** On the confession of the defendant, with the assent of the plaintiff or his attorney, a judgment or decree may be given against the defendant in any action or suit, before or after answer, for any amount not exceeding or relief different from that demanded in the complaint.

**26.020 Who may confess judgment.** When the action or suit is against the state, a county or other public corporation therein, or a private corporation, or a minor, the confession shall be made by the person who at the time sustains the relation to such state, county, corporation or minor, as would authorize the service of a summons upon him; or in the case of a minor, if a guardian for the action or suit has been appointed, then by such guardian. In all other cases the confession shall be made by the defendant in person.

**26.030 Judgment or decree against several defendants on confession of one.** When the action or suit is upon a contract, and against one or more defendants jointly liable, judgment or decree may be given on the confession of one or more defendants against all the defendants thus jointly liable, whether such defendants have been served with summons or not, to be enforced only against their joint property, and against the joint and separate property of the defendant making the confession.

**26.040 Form and procedure.** The confession and assent thereto shall be in writing, subscribed by the parties or their attorneys, and acknowledged by each before some officer authorized to take acknowledgments of deeds; but such acknowledgment is not required when the parties or their attorneys

shall appear in court when the judgment or decree is given, or before the clerk in vacation by whom the judgment or decree is entered. In all cases, the confession and assent thereto, and the acknowledgment, if any, shall be filed with the clerk.

**26.050 to 26.100** [Reserved for expansion]

**CONFESSION WITHOUT ACTION**

**26.110 Circumstances under which confession can be made.** On the confession of any person capable of being made a party defendant to an action at law, judgment may be given against such person, without action, in term time or vacation, in favor of any person for money due or to become due, or to secure any person against contingent liability on behalf of the defendant in such judgment, or both, if it be in favor of the same person.

**26.120 Form and procedure.** The confession shall be made, assented to and acknowledged, and judgment given in the same manner as a confession in an action pending; besides which, the confession shall be verified by the oath of the party making it, and shall authorize a judgment to be given for a particular sum. If it be for money due or to become due, it shall state plainly and concisely the facts out of which such indebtedness arose, and shall show that the sum confessed is justly due or to become due.

**26.130 Contingent liability; judgment payable in installments.** If the confession is to secure the plaintiff in the judgment against a contingent liability, it shall state plainly and concisely the facts constituting such liability, and shall show that the sum confessed does not exceed the liability. When the judgment is payable in installments, execution may issue to enforce the payment of the installments as they become due.

