

JUDGMENTS BY CONFESSION

RULE 73

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[C Application by plaintiff.] **C Filing of statement by plaintiff; entry, enforcement of judgment.** Judgment by confession may be ordered by the court upon the filing of the statement required by section B of this rule. The judgment may be entered and enforced in the same manner and with the same effect as a judgment in an action.

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3 **A Judgments [which] that may be confessed.**

4 A(1) **For money due; where allowed.** Judgment by confession may be entered without  
5 action for money due in the manner prescribed by this rule[. *Such judgment*] **and** may be entered  
6 in any court having jurisdiction over the subject matter. The application to confess judgment shall  
7 be made in the county in which the defendants, or one of them, reside or may be found at the  
8 time of the application. A judgment entered by any court in any other county has no force or  
9 validity, notwithstanding anything in the defendant’s statement to the contrary.

10 A(2) **Consumer transactions.** No judgment by confession may be entered without action  
11 upon a contract, obligation, or liability [*which*] **that** arises out of the sale of goods or **the** furnishing  
12 of services for personal, family, or household use[, *or*]; out of a loan or other extension of credit  
13 for personal, family, or household purposes[.]; or upon a promissory note [*which*] **that** is based  
14 upon such sale or extension of credit.

15 **B Statement by defendant.** A statement in writing must be made, signed by any party  
16 against whom judgment is to be entered or a person authorized to bind [*such*] **that** party, and  
17 verified by oath, as follows:

18 B(1) [*It*] **it** must authorize the entry of judgment for a specified sum;

19 B(2) [*It*] **it** must state concisely the facts out of which [*it*] **the judgment** arose, and show  
20 that the sum confessed therefor is justly and presently due;

21 B(3) [*It*] **it** must contain a statement that the person or persons signing the judgment  
22 understands that [*it*] **the statement** authorizes entry of judgment without further proceeding  
23 [*which*] **that** would authorize execution to enforce payment of the judgment; and

24 B(4) [*It*] **it** must have been executed after the date or dates when the sums described in the  
25 statement were due.

26 [*C Application by plaintiff.*] **C Filing of statement by plaintiff; entry, enforcement of**

1 **judgment.** Judgment by confession may be ordered by the court upon the filing of the statement  
2 required by section B of this rule. The judgment may be entered and enforced in the same manner  
3 and with the same effect as a judgment in an action.

4 **D Confession by joint debtors.** One or more joint debtors may confess a judgment for a  
5 joint debt due. Where all of the joint debtors do not unite in the confession, the judgment shall be  
6 entered and enforced against only those debtors who confessed it and [*it*] the judgment is not a  
7 bar to an action against the other joint debtors upon the same demand.



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