

H.B. 196

JUDGMENT BY CONFESSION AMENDMENTS

HOUSE COMMITTEE AMENDMENTS

AMENDMENT 1

FEBRUARY 12, 2013 6:33 PM

Representative **Earl D. Tanner** proposes the following amendments:

1. *Page 1, Line 25 through Page 2, Line 29:*

25 78B-5-205. Judgment by confession without action and notice prohibited.

26 (1) A judgment by confession may not be entered without filing an action and giving notice

27 and the opportunity for hearing whether based on admission, confession by judgment, warrant

28 of attorney, or other waiver of the right to notice and the opportunity to be heard in the event of

29 suit or similar process described in this section.

(2) At the hearing provided by this section, any party may raise any claim or defense relating to the obligation underlying the confession of judgment. The court shall render judgment on the underlying obligation as the facts and law warrant.