

§725. Tender of damages

In case of an original complaint, the defendant may, with the same advantages to the defendant, tender and bring money into court, or if the issue is decided in favor of the plaintiff, or if the defendant is defaulted or does not answer or show any legal objections to the proceedings, the defendant may, in writing entered of record with its date, offer to be defaulted for a specific sum for the yearly damages or a sum in gross as reasonable compensation for all damages, as in an action at common law. If either is accepted, the judgment has the same effect as if rendered on a verdict. If not accepted within such time as the court orders, it may not be offered in evidence or have any effect upon the rights of the parties, or the judgment to be rendered except the costs. If the plaintiff fails to recover a sum greater than the sum tendered or offered, the plaintiff recovers such costs only as accrued before the offer, and the defendant recovers costs accrued after that time, and the defendant's judgment for costs may be set off against the plaintiff's judgment for damages and costs. [RR 2021, c. 2, Pt. B, §253 (COR).]

SECTION HISTORY

RR 2021, c. 2, Pt. B, §253 (COR).

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