

## CHAPTER 1

### PARTIES AND TITLE OF ACTIONS

#### SUBCHAPTER 1

##### PARTIES

###### **§1. Treasurers may bring action in own name**

Treasurers of state, counties, towns and corporations may maintain civil actions in their own names as treasurers on contracts given to them or their predecessors and prosecute civil actions pending in the names of their predecessors.

###### **§2. Actions by unincorporated societies**

Any organized unincorporated society or association may sue in the name of its trustees for the time being and may maintain an action, though the defendant or defendants or some of them are members of the same society or association.

###### **§3. Guardian of incompetent party; compensation**

A guardian appointed to prosecute or defend an action for an incompetent party is entitled to a reasonable compensation and is not liable for costs.

###### **§4. Action on real covenants of first grantor by assignee of grantee**

The assignee of a grantee or his executor or administrator after eviction by an older and better title may maintain an action on a covenant of seizin or freedom from encumbrance contained in absolute deeds of the premises between the parties, and recover such damages as the first grantee might have recovered on eviction, upon filing, with his complaint or at such later time as the court permits, for the use of his grantor, a release of the covenants of his deed and of all causes of action thereon. The prior grantee cannot, in such case, release the covenants of the first grantor to the prejudice of his grantee.

###### **§5. Grantee may defend action**

Grantees may appear and defend in civil actions against their grantors in which the real estate conveyed is attached.

###### **§6. Property of deceased debtor on joint contract liable**

**(REPEALED)**

###### SECTION HISTORY

PL 1965, c. 351, §3 (RP).

#### SUBCHAPTER 2

##### MODEL JOINT OBLIGATIONS ACT

###### **§11. Definitions**

In this subchapter, unless otherwise expressly stated, obligation does not include a liability in tort; obligor does not include a person liable for a tort; obligee does not include a person having a right based on a tort. Several obligors means severally bound for the same performance. [PL 1965, c. 351, §1 (NEW).]

## SECTION HISTORY

PL 1965, c. 351, §1 (NEW).

**§12. Discharge of co-obligor by judgment**

A judgment against one or more of several obligors, or against one or more of joint, or of joint and several obligors shall not discharge a co-obligor who was not a party to the proceeding wherein the judgment was rendered. [PL 1965, c. 351, §1 (NEW).]

## SECTION HISTORY

PL 1965, c. 351, §1 (NEW).

**§13. Payments credited to co-obligors**

The amount or value of any consideration received by the obligee from one or more of several obligors, or from one or more of joint, or of joint and several obligors, in whole or in partial satisfaction of their obligations, shall be credited to the extent of the amount received on the obligations of all co-obligors to whom the obligor or obligors giving the consideration did not stand in the relation of a surety. [PL 1965, c. 351, §1 (NEW).]

## SECTION HISTORY

PL 1965, c. 351, §1 (NEW).

**§14. Release with reservation of rights**

Subject to section 13, the obligee's release or discharge of one or more of several obligors, or of one or more of joint, or of joint and several obligors shall not discharge co-obligors, against whom the obligee in writing and as part of the same transaction as the release or discharge, expressly reserves his rights; and in the absence of such a reservation of rights shall discharge co-obligors only to the extent provided in section 15. [PL 1965, c. 351, §1 (NEW).]

## SECTION HISTORY

PL 1965, c. 351, §1 (NEW).

**§15. Release without reservation of rights**

If an obligee releasing or discharging an obligor without express reservation of rights against a co-obligor, then knows or has reason to know that the obligor released or discharged did not pay so much of the claim as he was bound by his contract or relation with the co-obligor to pay, the obligee's claim against that co-obligor shall be satisfied to the amount which the obligee knew or had reason to know that the released or discharged obligor was bound to such co-obligor to pay. [PL 1965, c. 351, §1 (NEW).]

If an obligee so releasing or discharging, an obligor has not then such knowledge or reason to know, the obligee's claim against the co-obligor shall be satisfied to the extent of the lesser of 2 amounts, namely; the amount of the fractional share of the obligor released or discharged, or the amount that such obligor was bound by his contract or relation with the co-obligor to pay. [PL 1965, c. 351, §1 (NEW).]

## SECTION HISTORY

PL 1965, c. 351, §1 (NEW).

**§16. Death of joint obligor**

On the death of a joint obligor in contract, his estate shall be bound as such, jointly and severally with the surviving obligor or obligors. [PL 1965, c. 351, §1 (NEW).]

## SECTION HISTORY

PL 1965, c. 351, §1 (NEW).

**§17. Uniformity of interpretation; title**

This subchapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it, and may be cited as the Model Joint Obligations Act [PL 1965, c. 351, §1 (NEW).]

**SECTION HISTORY**

PL 1965, c. 351, §1 (NEW).

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