

629.60 ACTIONS TO RECOVER UNDER RECOGNIZANCE EVEN IF TECHNICAL NONCOMPLIANCE.

If a recognizance shows that the court before whom it was entered into had authority to take it, and at what court the party or witness was bound to appear, an action brought to recover a penalty under the recognizance may not be barred, nor may judgment on it be stopped because either:

(1) the court failed to record the default of the principal or surety at the term of court when the default occurred; or

(2) the recognizance is defective in form.

In an action to recover a penalty under a recognizance entered into pending an appeal, the court may award part or all of the penalty amount to the person entitled to it under the recognizance if the court determines the amount is forfeited, or when by permission of the court the penalty has been paid to the county treasurer or court administrator without suit or before judgment in a manner provided by law.

History: (10595) *RL s 5254; 1983 c 359 s 141; 1985 c 265 art 10 s 1; 1Sp1986 c 3 art 1 s 82*