

## **CHAPTER 28-07 PLEADINGS IN CIVIL ACTIONS**

[Superseded by North Dakota Rules of Civil Procedure and  
transferred to other sections of the code]

- 28-07-01. Forms of pleading.** Superseded by N.D.R.Civ.P., Rules 8, 10.
- 28-07-02. Complaint - What to contain.** Superseded by N.D.R.Civ.P., Rules 7, 8, 10.
- 28-07-03. Joinder of causes of action.** Superseded by N.D.R.Civ.P., Rule 18.
- 28-07-04. Demurrer or answer - Defendant's only pleading - Time for interposing.**  
Superseded by N.D.R.Civ.P., Rules 7, 12.
- 28-07-05. Joint demurrer and answer permitted.** Superseded by N.D.R.Civ.P.,  
Rule 7.
- 28-07-06. When defendant may demur.** Superseded by N.D.R.Civ.P., Rules 7, 12.
- 28-07-07. Requisites of demurrer.** Superseded by N.D.R.Civ.P., Rules 7, 12.
- 28-07-08. Grounds for demurring taken by answer, when.** Superseded by  
N.D.R.Civ.P., Rules 7, 12.
- 28-07-09. Grounds for demurrer waived unless objection taken by demurrer or  
answer - Exception.** Superseded by N.D.R.Civ.P., Rules 7, 12.
- 28-07-10. Requisites of answer.** Superseded by N.D.R.Civ.P., Rule 8.
- 28-07-11. Offer of fixed damages may be served with answer, when - Effect if offer  
accepted.** Superseded by N.D.R.Civ.P., Rule 12.
- 28-07-12. Effect if offer of fixed damages rejected.** Superseded by N.D.R.Civ.P., Rule  
12.
- 28-07-13. Sham defenses.** Superseded by N.D.R.Civ.P., Rule 12.
- 28-07-14. Requisites of counterclaim.** Superseded by N.D.R.Civ.P., Rule 13.
- 28-07-15. Several defenses or counterclaims may be contained in answer - How  
stated.** Superseded by N.D.R.Civ.P., Rules 8, 10.
- 28-07-16. Reply or demurrer to counterclaim.** Superseded by N.D.R.Civ.P., Rules 7,  
12.
- 28-07-17. Reply to defense by way of avoidance.** Superseded by N.D.R.Civ.P., Rule  
7.
- 28-07-18. Demurrer to reply.** Superseded by N.D.R.Civ.P., Rules 7, 12.
- 28-07-19. Supplemental pleading.** Superseded by N.D.R.Civ.P., Rule 15.
- 28-07-20. Signing of pleading - Effect - Verification not required - Attorney subject  
to disciplinary action.** Superseded by N.D.R.Civ.P., Rule 11.

**28-07-21. Pleadings not evidence in criminal action.** Repealed by omission from this code.

**28-07-22. Irrelevant matter may be stricken.** Superseded by N.D.R.Civ.P., Rule 12.

**28-07-23. Procedure when defendant's name is unknown.** Superseded by N.D.R.Civ.P., Rule 9.

**28-07-24. Statement of account - Not necessary to plead - Demand for - Giving of - Effect of failure to give.** Superseded by N.D.R.Civ.P., Rule 12.

**28-07-25. Bill of particulars - More definite statement.** Superseded by N.D.R.Civ.P., Rule 12.

**28-07-26. Pleading a judgment.** Superseded by N.D.R.Civ.P., Rule 9.

**28-07-27. Procedure when judgment on same claim is obtained in another action during pendency of present action.** Superseded by N.D.R.Civ.P., Rule 15.

**28-07-28. Pleading conditions precedent.** Superseded by N.D.R.Civ.P., Rule 9.

**28-07-29. Pleading instrument for payment of money.** Superseded by N.D.R.Civ.P., Rule 8.

**28-07-30. Pleading private statute.** Superseded by N.D.R.Civ.P., Rule 9.

**28-07-31. Complaint in libel or slander.** Superseded by N.D.R.Civ.P., Rule 8.

**28-07-32. Answer in libel or slander.** Superseded by N.D.R.Civ.P., Rule 8.

**28-07-33. Answer to complaint for possession of property distrained doing damage.** Superseded by N.D.R.Civ.P., Rule 8.

**28-07-34. Pleading over if demurrer overruled.** Superseded by N.D.R.Civ.P., Rules 7, 12.

**28-07-35. Amendment of pleading after demurrer to it sustained - Separation of actions improperly joined.** Superseded by N.D.R.Civ.P., Rule 15.

**28-07-36. Amendment of pleadings as matter of course - Service of amended pleading.** Superseded by N.D.R.Civ.P., Rule 15.

**28-07-37. Time when amendment of pleading may be permitted - Nature of amendments allowable.** Superseded by N.D.R.Civ.P., Rule 15.

**28-07-38. Amended complaint - Service of - Time for answer - Default judgment on.** Superseded by N.D.R.Civ.P., Rule 15.

**28-07-39. Pleading or doing act after expiration of the time therefor permissible, when - Order enlarging time.** Superseded by N.D.R.Civ.P., Rule 6.

**28-07-40. Allegations deemed true or denied, when.** Superseded by N.D.R.Civ.P., Rule 8.

**28-07-41. Liberal construction of pleadings.** Superseded by N.D.R.Civ.P., Rule 8.

**28-07-42. Trivial defects in pleading or proceeding to be disregarded.** Superseded by N.D.R.Civ.P., Rules 1, 8.

**28-07-43. Variance material, when - Effect and proof of material variance.** Superseded by N.D.R.Civ.P., Rule 15.

**28-07-44. Immaterial variance - Effect of.** Superseded by N.D.R.Civ.P., Rule 15.

**28-07-45. Variance distinguished from failure of proof.** Superseded by N.D.R.Civ.P., Rule 15.