

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.2933 Dower; admeasurement procedure; award of money in lieu of dower; actions equitable in nature.

Sec. 2933. (1) A widow entitled to dower, or a woman entitled to dower and her husband, may maintain a claim to recover her dower in lands, tenements, and hereditaments under section 2932 after the expiration of 6 months from the time her right to dower accrued. If an action is brought to recover the dower of any widow which has not been admeasured to her before the commencement of such action, instead of a writ of possession being issued, such plaintiff shall proceed to have her dower assigned to her in the following manner:

(a) Upon the filing of the record of judgment the court, on the motion of the plaintiff, shall appoint 3 discreet and disinterested freeholders commissioners, for the purpose of making admeasurement of the dower of the plaintiff out of the lands described in the record; and the commissioners so appointed shall proceed in like manner, possess the like powers, and be subject to the like obligations as commissioners appointed by the judge of probate to set off dower;

(b) The commissioners shall make a report of their doings to the court, in writing, as soon as may be after their appointment, which report shall be confirmed by such court, unless good cause to the contrary is shown; and shall be entered at large in the minutes of the court;

(c) Upon the confirmation of the report of the commissioners, a writ of possession shall be issued to the sheriff of the proper county, describing the premises assigned for the dower and commanding the sheriff to put the plaintiff in possession thereof.

(d) The costs and expenses incurred in such admeasurement are subject to the same provisions as in cases of admeasurement of dower by commissioners appointed by the judge of probate.

(2) In any action commenced by any widow for the recovery of dower in lands which were aliened by her husband in his lifetime, if dower cannot be assigned in the land by metes and bounds without injustice or manifest injury to the widow or to the owners or persons in possession of the land or some one of them, the court having cognizance of the matter may award a sum of money in lieu of dower to be paid to the widow, or may assign to her, as tenant in common, a just proportion of the rents, issues, and profits of the lands. In all cases the court shall consider the true value of the lands at the time of their alienation by the husband, and of the probable duration of the life of the doweress at the time the sum of money is awarded or the rents, issues, and profits are assigned to her.

(3) Actions under this section are equitable in nature.

History: 1961, Act 236, Eff. Jan. 1, 1963.