

HOUSE BILL No. 5518

October 15, 2009, Introduced by Rep. Green and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 5732 (MCL 600.5732) and by adding section 5736.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5732. (1) Pursuant to applicable court rules, **AND EXCEPT**
2 **AS PROVIDED BY LAW**, a court ~~having~~**THAT HAS** jurisdiction over
3 summary proceedings may provide for pleadings and motions, issue
4 process and subpoenas, compel the attendance and testimony of
5 witnesses, enter and set aside defaults and default judgments,
6 allow amendments to pleadings, process, motions, and orders, order
7 adjournments and continuances, make and enforce all other writs and
8 orders, and do all other things necessary to hear and determine
9 summary proceedings.

10 (2) A COURT, MAGISTRATE, DISTRICT COURT CLERK, OR OTHER COURT
11 EMPLOYEE SHALL NOT LIMIT THE NUMBER OF SUMMARY PROCEEDINGS THAT A

1 PERSON MAY CONCURRENTLY FILE OR SCHEDULE FOR HEARING AT ANY 1 TIME.

2 SEC. 5736. A COPY OF A SUMMONS AND COMPLAINT IN A SUMMARY
3 PROCEEDING, INCLUDING ANY CLAIM DESCRIBED IN SECTION 5739 IF THE
4 CLAIM DOES NOT EXCEED THE AMOUNT OVER WHICH THE SMALL CLAIMS
5 DIVISION HAS JURISDICTION UNDER SECTION 8401, MAY BE SERVED ON THE
6 DEFENDANT BY DOING BOTH OF THE FOLLOWING:

7 (A) MAILING THE SUMMONS AND COMPLAINT TO THE DEFENDANT. UNLESS
8 THE COURT MAILES THE SUMMONS AND COMPLAINT AND KEEPS A RECORD, THE
9 PLAINTIFF SHALL MAIL THE SUMMONS AND COMPLAINT BY FIRST-CLASS MAIL
10 AND OBTAIN A CERTIFICATE OF MAILING. THE CERTIFICATE OF MAILING IS
11 PROOF OF SERVICE.

12 (B) ONE OF THE FOLLOWING:

13 (i) SERVING THE DEFENDANT BY ANY METHOD PROVIDED IN COURT RULES
14 FOR THE SERVICE OF PROCESS IN A CIVIL ACTION.

15 (ii) AFTER DILIGENT ATTEMPTS AT PERSONAL SERVICE HAVE BEEN
16 MADE, SECURELY ATTACHING THE PAPERS TO THE MAIN ENTRANCE OF THE
17 DEFENDANT'S DWELLING UNIT. A RETURN OF SERVICE MADE UNDER THIS
18 SUBPARAGRAPH SHALL LIST THE ATTEMPTS AT PERSONAL SERVICE. SERVICE
19 UNDER THIS SUBPARAGRAPH IS EFFECTIVE ONLY IF A RETURN OF SERVICE IS
20 FILED SHOWING THAT, AFTER DILIGENT ATTEMPTS, PERSONAL SERVICE COULD
21 NOT BE MADE.