

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

600.2041 Real party in interest; actions on official or personal bonds; taxpayer's suit.

Sec. 2041.

Every action shall be prosecuted in the name of the real party in interest; but an executor, administrator, guardian, trustee of an express trust, a party with whom or in whose name a contract has been made for the benefit of another, or a party authorized by statute may sue in his own name without joining with him the party for whose benefit the action was brought, and further

(1) an action upon the bond of any public officer required to give bond to the people of this state may be brought in the name of the person to whom the right thereon accrues; and

(2) an action upon any bond, contract, or undertaking lawfully made with an officer of this state or any governmental unit, including but not limited to a public, municipal, quasi-municipal, or governmental corporation, unincorporated board, public body, or political subdivision, may be brought in the name of the state or any such unit for whose benefit the contract was made; and

(3) an action to prevent the illegal expenditure of state funds or to test the constitutionality of a statute relating thereto may be brought in the name of a domestic nonprofit corporation organized for civic, protective, or improvement purposes, or in the names of at least 5 residents of this state who own property assessed for direct taxation by the county wherein they reside.

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