

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

600.3185 Mortgage foreclosure; defendant as service member or deployed in overseas service; actions by court; mortgage and land contract entered into before effective date of act; definitions.

Sec. 3185.

(1) If a defendant in an action to foreclose a mortgage on real estate or a land contract is a service member and either the defendant entered into the mortgage or land contract before becoming a service member or the defendant is deployed in overseas service, the court on its own motion may, or on motion of or in behalf of the service member shall, do either or both of the following, unless the court determines that the ability of the defendant to comply with the terms of the obligation secured by the mortgage or land contract is not materially affected by the service member's military service:

- (a) Stay proceedings in the action until 6 months after the end of the service member's period of military service.
- (b) Issue another order that is equitable to conserve the interests of the parties.

(2) This section does not apply to a mortgage or land contract entered into before the effective date of the amendatory act that added this section.

(3) As used in this section:

(a) "Active duty" means full-time duty in the active military service of the United States. Active duty includes full-time training duty, annual training duty, and attendance, while in the active military service, at a school designated as a service school by law or by the secretary of the military department concerned. Active duty does not include full-time national guard duty.

(b) "Military service" means any of the following:

(i) Active duty.

(ii) If the service member is a member of the national guard, service under a call to active service authorized by the president or secretary of defense of the United States for a period of more than 30 consecutive days under 32 USC 502(f) to respond to a national emergency declared by the president and supported by federal money.

(iii) A period during which the service member is absent from active duty because of sickness, wounds, leave, or other lawful cause.

(c) "Period of military service" means the period beginning on the date on which the service member enters military service and ending on the date on which the service member is released from military service or dies while in military service.

(d) "Service member" means an individual who is in military service and is a member of the armed services or reserve forces of the United States or a member of the Michigan national guard.

History: Add. 2008, Act 138, Imd. Eff. May 21, 2008