

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

600.8404 Service of affidavit and notice on defendant; form and contents of notice; evening and Saturday court hours.

Sec. 8404. (1) Upon the filing of the affidavit, the clerk or deputy clerk shall cause a copy of the affidavit to be served upon each defendant with a notice directing the defendant to appear and answer before a judge of the small claims division. The notice shall be in a form prescribed by the state court administrator and shall inform the defendant of all of the following:

- (a) When and where to appear.
 - (b) That the defendant and the plaintiff are to bring all books, papers, and witnesses needed to establish any claim or defense.
 - (c) That failure to appear may result in a judgment against the defendant of up to the applicable jurisdictional amount as prescribed by section 8401, or the amount of the claim stated in the affidavit, whichever is less, together with costs of the action.
 - (d) That if settlement of the dispute is made before or at the hearing, the defendant may be charged with costs incurred by the plaintiff in initiating the action.
 - (e) That, even if the defendant does not have a legal defense, the defendant may appear to request installment payments pursuant to section 8410.
- (2) The clerk shall inform the plaintiff and defendant that evening and Saturday court hours may be made available upon written request and need shown.

History: Add. 1968, Act 154, Imd. Eff. June 17, 1968;—Am. 1978, Act 496, Eff. Jan. 1, 1979;—Am. 1984, Act 278, Eff. Jan. 1, 1985.