

HOUSE BILL No. 4224

February 13, 2001, Introduced by Rep. Mortimer and referred to the Committee on Civil Law and the Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 2559 (MCL 600.2559), as amended by 1994
PA 133.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2559. (1) Except as provided in subsection (2), the
2 following schedule applies as fees for process served out of the
3 circuit court, the probate court, the district court, or any
4 municipal court by any person authorized ~~pursuant~~ ACCORDING to
5 this act or supreme court rule to serve process:

6 (a) For personal service of a summons and complaint in a
7 civil action, along with supporting documents, for each
8 defendant, \$13.00 plus mileage.

9 (b) For personal service of an affidavit of account and
10 statement, for each defendant, \$13.00 plus mileage.

1 (c) For a summons and affidavit in garnishment, for each
2 garnishee and defendant, \$10.00 plus mileage.

3 (d) For seizure and delivery of goods in a case of claim and
4 delivery, \$27.00 plus mileage, plus the actual and reasonable
5 expense of taking, keeping, and delivering the goods.

6 (e) For receiving and filing a bond from or on behalf of a
7 defendant in a case of claim and delivery, \$2.00.

8 (f) For an order to show cause, \$13.00 plus mileage.

9 (g) For a subpoena on discovery, \$13.00 plus mileage.

10 (h) For a writ, affidavit, and bond in a case of attachment,
11 \$13.00 plus mileage.

12 (i) For the seizure of property in a case of attachment,
13 \$27.00 plus mileage, plus the actual and reasonable expense for
14 taking and keeping the property.

15 (j) For levy under a writ of execution, \$27.00 plus mileage,
16 plus the actual and reasonable expense for taking, keeping, and
17 sale, plus, if the judgment is satisfied prior to sale, 7% of the
18 first \$5,000.00 in receipts and 3% of receipts exceeding the
19 first \$5,000.00.

20 (k) For sale on levy in a case of execution, 7% of the first
21 \$5,000.00 in receipts and 3% of any receipts exceeding the first
22 \$5,000.00.

23 (l) For each notice of sale on levy in the case of an execu-
24 tion or mechanics lien posted in a public place in the city or
25 township, \$13.00 plus mileage.

1 (m) For a writ for the restitution of premises, \$27.00 plus
2 mileage, plus the actual and reasonable expense for moving
3 property out of the premises.

4 (n) For a subpoena directed to a witness, including a judg-
5 ment debtor, \$13.00 plus mileage.

6 (o) For a civil bench warrant or body execution, \$27.00 plus
7 mileage, plus \$13.00 per hour for the amount of time, if any,
8 involved in executing the warrant.

9 (P) FOR AN ORDER OF ALTERNATE SERVICE, \$10.00.

10 (2) Each of the fees prescribed in subsection (1), except
11 the fee prescribed in subsection (1)(e), shall increase by \$1.00
12 on October 1, 1995, \$1.00 on October 1, 1996, and \$1.00 on
13 October 1, 1997.

14 (3) Upon submitting a sworn affidavit, a person who serves
15 process out of the circuit court, the probate court, the district
16 court, or any municipal court is entitled to receive a \$10.00 fee
17 for each process that has an incorrect address. This fee is in
18 addition to any fee to which the person is entitled under
19 subsection (1).

20 (4) Mileage allowed under subsection (1) shall be the same
21 rate per mile, each way, as the rate allowed by the state civil
22 service commission for employees in the state classified civil
23 service and shall be computed by the shortest distance from the
24 place of service to the following location:

25 (a) For service out of any court other than the district
26 court, and within the same county, to the court.

1 (b) For service out of any court other than the district
2 court, but outside of the county in which the process originates,
3 to the comparable court in that county.

4 (c) For service out of the district court and within the
5 same district, to the court which is the place of return.

6 (d) For service out of the district court, but outside of
7 the district in which the process originates, to the place of the
8 court in that district.

9 (5) The fees allowed for the service of an execution and for
10 advertising in conjunction with an execution shall be collected
11 by virtue of the execution, in the same manner as the sum
12 directed to be levied in the execution. If there are several
13 executions against the defendant, at the time of the advertising
14 of the defendant's property, in the hands of the same sheriff or
15 other officer, there shall be only 1 advertising fee charged on
16 the whole, and the sheriff or other officer shall elect upon
17 which execution he or she will receive that fee.

18 (6) Any person who serves process out of the circuit court,
19 the probate court, the district court, or any municipal court and
20 who demands or receives any greater fees or compensation for per-
21 forming any of the services mentioned in this section than as
22 allowed by this section, shall, in addition to all other liabili-
23 ties now provided by law, be liable to the party injured, for
24 paying the illegal fees, in 3 times the amount so demanded,
25 received, or paid, together with all costs of the action.

26 (7) Any sheriff or other officer who, after the fees
27 specified by this section have been tendered, neglects or refuses

1 any of the services required by law ~~shall be~~ IS liable to the
2 party injured for all damages ~~which~~ THAT the party sustains by
3 reason of that neglect or refusal.