

# HOUSE BILL No. 6537

December 3, 2002, Introduced by Rep. Scranton 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 8409 (MCL 600.8409), as amended by 1991  
PA 192.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 8409. (1) Attachment or garnishment shall not issue  
2       from the small claims division prior to judgment, but execution  
3       may issue ~~in the manner prescribed by law~~ and the judgment may  
4       be enforced in any other manner AS provided by law and not pro-  
5       hibited ~~under the provisions of~~ BY this chapter.

6       (2) The state court administrator shall prepare instruction  
7       sheets clearly explaining in plain English how, and under what  
8       circumstances, a plaintiff in whose favor a judgment has been  
9       entered may request the court to issue execution, attachment, or  
10      garnishment to enforce payment of the judgment. A copy of the

1 instruction sheet shall be offered to the plaintiff at the same  
2 time as a copy of the judgment is given to the plaintiff under  
3 section 8410. Additional copies of the instruction sheets —  
4 and forms for writs of garnishment —, shall be made available at  
5 the office of each clerk and deputy clerk of the district court.

6 (3) SUBJECT TO SUBSECTION (4), WHEN THE TIME TO APPEAL HAS  
7 PASSED, A JUDGMENT ENTERED IN THE SMALL CLAIMS DIVISION OF THE  
8 DISTRICT COURT MAY BE ASSIGNED TO A THIRD PARTY. THE ASSIGNEE  
9 HAS THE SAME RIGHTS TO ENFORCE THE JUDGMENT AS THE JUDGMENT CRED-  
10 ITOR THAT ASSIGNED THE CLAIM, INCLUDING, BUT NOT LIMITED TO, THE  
11 RIGHT TO ACT WITHOUT AN ATTORNEY.

12 (4) A JUDGMENT ENTERED IN THE SMALL CLAIMS DIVISION OF THE  
13 DISTRICT COURT IS NOT ENFORCEABLE BY AN ASSIGNEE UNLESS THE  
14 ASSIGNMENT OF THE JUDGMENT IS MADE IN A WRITING SIGNED BY THE  
15 JUDGMENT CREDITOR, IDENTIFYING THE JUDGMENT, THE PARTIES TO THE  
16 JUDGMENT, AND THE ASSIGNEE AND THE WRITING IS SERVED ON THE JUDG-  
17 MENT DEBTOR BY ORDINARY MAIL AND FILED WITH THE COURT.

18 (5) AN ATTORNEY AT LAW MAY REPRESENT A JUDGMENT CREDITOR OR  
19 ASSIGNEE OF A JUDGMENT CREDITOR IN THE SMALL CLAIMS DIVISION OF  
20 THE DISTRICT COURT IN PROCEEDINGS TO ENFORCE THE JUDGMENT.