

# SENATE BILL No. 1298

May 7, 2008, Introduced by Senator JELINEK and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled  
"Revised judicature act of 1961,"  
by amending sections 8405 and 8406 (MCL 600.8405 and 600.8406),  
section 8405 as amended by 1996 PA 579.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 8405. Except as otherwise provided in this section,  
2 service of the affidavit and notice to appear and answer shall be  
3 made upon the defendant by ~~certified mail, return receipt requested~~  
4 ~~and deliverable to the addressee only, by personal service, or upon~~  
5 a showing that service of process cannot reasonably be made as  
6 provided by this section, the court may, by order, permit service  
7 of process to be made in any other manner reasonably calculated to  
8 give the defendant actual notice of the proceedings and an  
9 opportunity to be heard. ~~Where service by certified mail is made,~~

1 ~~it shall be made by the clerk and the receipt of mailing together~~  
2 ~~with the return card signed by the defendant shall constitute proof~~  
3 ~~of service.~~

4       Sec. 8406. (1) The date for the appearance of the defendant  
5 provided in the notice shall not be less than 15 days nor more than  
6 45 days after the date of the notice. The person filing the claim  
7 shall receive from the clerk a copy of the affidavit and notice of  
8 hearing. The plaintiff shall appear on the date shown in the notice  
9 of hearing and have all books, papers, and witnesses necessary to  
10 prove the claim. If the notice is not served upon the defendant at  
11 least 7 days before the appearance date, the plaintiff may apply to  
12 the clerk or deputy clerk for a new notice setting a new date for  
13 the appearance of the defendant which shall be not less than 15  
14 days nor more than 30 days after the date of the issuance of the  
15 new notice.

16       (2) If a defendant is not personally served ~~or did not sign~~  
17 ~~the certified mail return receipt~~ at least 7 days before the  
18 appearance date, there shall not be jurisdiction to render  
19 judgment, unless the defendant appears on the appearance date and  
20 does not request a continuance. If the defendant was not served  
21 within the minimum time specified, the matter, upon request of  
22 either party, shall be continued for not less than 7 days.