

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

***** 600.3815.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 18, 2016 *****

600.3815.amended Admissible evidence; unnecessary proof; judgment and order; abatement of nuisance by forfeiture or sale.

Sec. 3815. (1) In an action under this chapter, evidence of the general reputation of the building, vehicle, boat, aircraft, or place is admissible for the purpose of proving the existence of the nuisance.

(2) In an action under this chapter, proof of knowledge of the existence of the nuisance on the part of 1 or more of the defendants is not required.

(3) In an action under this chapter, it is not necessary for the court to find the property involved was being used as and for a nuisance at the time of the hearing, or for the plaintiff to prove that the nuisance was continuing at the time the complaint was filed, if the complaint is filed within 90 days after any act, any violation, or the existence of a condition described in section 3801 as a nuisance.

(4) In an action under this chapter, on finding that the plaintiff has satisfied the burden of proof and that the material allegations of the complaint are true, the court shall enter a judgment and order of abatement as provided in this chapter. However, if the plaintiff seeks abatement of a nuisance by forfeiture or sale of a vehicle, boat, aircraft, or other personal property, the plaintiff has the burden of proving by clear and convincing evidence that the vehicle, boat, aircraft, or property was used for or in furtherance of the activity or conduct that constituted the nuisance as described in section 3801.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 2014, Act 387, Eff. Mar. 18, 2015;—Am. 2015, Act 153, Eff. Jan. 18, 2016.