

**SUBSTITUTE FOR
HOUSE BILL NO. 4463**

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding section 5707.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 5707. (1) IF THE COMPLAINT IN A SUMMARY PROCEEDING**
2 **REQUESTS ONLY THE RECOVERY OF POSSESSION OF THE PREMISES OR BOTH**
3 **THE RECOVERY OF POSSESSION AND A MONEY JUDGMENT, NOT INCLUDING**
4 **TAXABLE COSTS, IN AN AMOUNT THAT IS LESS THAN THE APPLICABLE LIMIT**
5 **OF THE SMALL CLAIMS DIVISION UNDER SECTION 8401, AND IF A PARTY TO**
6 **THE PROCEEDING IS A LIMITED LIABILITY COMPANY AS DESCRIBED IN**
7 **SUBSECTION (2), THE PARTY MAY BE REPRESENTED IN THE PROCEEDING BY A**
8 **MEMBER IF THE MEMBER HAS DIRECT AND PERSONAL KNOWLEDGE OF THE FACTS**
9 **ALLEGED IN THE COMPLAINT.**

1 (2) THIS SECTION ONLY APPLIES IF 1 OF THE FOLLOWING APPLIES TO
2 THE LIMITED LIABILITY COMPANY:

3 (A) THE LIMITED LIABILITY COMPANY HAS ONLY 1 MEMBER AND THE
4 MEMBER IS AN INDIVIDUAL.

5 (B) THE LIMITED LIABILITY COMPANY HAS ONLY 2 MEMBERS WHO ARE
6 INDIVIDUALS MARRIED TO EACH OTHER, IF BOTH MEMBERS HAVE SIGNED A
7 VERIFIED STATEMENT AUTHORIZING THE REPRESENTATION AND THE ORIGINAL
8 SIGNED COPY OF THE STATEMENT HAS BEEN FILED WITH THE COURT IN THE
9 SUMMARY PROCEEDING. THIS SUBDIVISION DOES NOT APPLY IF THERE IS AN
10 ACTION FOR DIVORCE OR SEPARATE MAINTENANCE PENDING BETWEEN THE
11 MEMBERS, OR IF A JUDGMENT FOR SEPARATE MAINTENANCE HAS BEEN ENTERED
12 AS TO THE MEMBERS.

13 (3) IF A PARTY TO A SUMMARY PROCEEDING IS A LIMITED LIABILITY
14 COMPANY DESCRIBED IN SUBSECTION (2) (B), AN INDIVIDUAL MAY NOT
15 REPRESENT THE PARTY IN A HEARING IN THE SUMMARY PROCEEDING UNLESS,
16 BEFORE THE HEARING, A DESIGNATED EMPLOYEE OF THE COURT REVIEWS THE
17 FILE AND DETERMINES THAT THE VERIFIED STATEMENT REQUIRED BY
18 SUBSECTION (2) (B) HAS BEEN FILED WITH THE COURT.

19 (4) A PARTY SEEKING TO PROCEED UNDER THIS SECTION HAS THE
20 BURDEN OF PROVING THAT IT QUALIFIES TO DO SO.

21 (5) REPRESENTATION UNDER THIS SECTION IS NOT A VIOLATION OF
22 SECTION 916.