

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.