

# HOUSE BILL No. 4547

March 13, 1991, Introduced by Reps. Baade, Wallace, Anthony, Gire, Gubow, Joe Young, Jr., Byrum, Harder, Knight, Dobronski, Olshove, Yokich and Clarke and referred to the Committee on Military and Veterans' Affairs.

A bill to amend Act No. 236 of the Public Acts of 1961, entitled as amended  
"Revised judicature act of 1961,"  
as amended, being sections 600.101 to 600.9947 of the Michigan Compiled Laws, by adding sections 1485 and 5854a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 236 of the Public Acts of 1961, as  
2 amended, being sections 600.101 to 600.9947 of the Michigan  
3 Compiled Laws, is amended by adding sections 1485 and 5854a to  
4 read as follows:

5 SEC. 1485. (1) A PERSON SHALL NOT COMMENCE OR MAINTAIN A  
6 CIVIL ACTION AGAINST A MEMBER OF A RESERVE COMPONENT OF THE ARMED  
7 FORCES OF THE UNITED STATES WHILE IN ACTIVE SERVICE OR A MEMBER  
8 OF THE NATIONAL GUARD OF THE UNITED STATES WHILE IN ACTIVE

1 FEDERAL SERVICE AND UNTIL THE EXPIRATION OF 180 DAYS AFTER THE  
2 TERMINATION OF THAT SERVICE TO DO ANY OF THE FOLLOWING:

3 (A) FORECLOSE A MORTGAGE ON REAL ESTATE OR A LAND CONTRACT  
4 UNDER CHAPTER 31.

5 (B) FORECLOSE A MORTGAGE ON REAL ESTATE BY ADVERTISEMENT  
6 UNDER CHAPTER 32.

7 (C) RECOVER POSSESSION OF PREMISES BY SUMMARY PROCEEDINGS  
8 UNDER CHAPTER 57.

9 (D) TERMINATE A TENANCY IN A MOBILE HOME PARK UNDER  
10 CHAPTER 57A.

11 (E) RECOVER POSSESSION OF GOODS OR CHATTELS AND RECOVER DAM-  
12 AGES UNDER SECTION 2920.

13 (F) OBTAIN POSSESSION OF OR SELL GOODS, CHATTELS, OR REAL  
14 ESTATE UNDER CHAPTER 60 OR 61 TO SATISFY A JUDGMENT.

15 (G) OBTAIN POSSESSION OF OR SELL GOODS OR CHATTELS TO  
16 ENFORCE A LIEN, SECURITY INTEREST, OR CHATTEL MORTGAGE ON THE  
17 GOODS OR CHATTELS.

18 (H) OBTAIN POSSESSION OF OR SELL REAL ESTATE TO ENFORCE A  
19 LIEN ON THE REAL ESTATE.

20 (I) OBTAIN POSSESSION OF GOODS, CHATTELS, OR REAL ESTATE  
21 UNDER CHAPTER 40 EITHER BEFORE OR AFTER A JUDGMENT IS ENTERED.

22 (2) THE COURT SHALL DISMISS WITHOUT PREJUDICE A CIVIL ACTION  
23 COMMENCED OR MAINTAINED IN VIOLATION OF SUBSECTION (1).

24 (3) THE PERIOD OF LIMITATIONS FOR THE COMMENCING OF A CIVIL  
25 ACTION DESCRIBED IN SUBSECTION (1)(A) TO (I) AGAINST A MEMBER OF  
26 A RESERVE COMPONENT OF THE ARMED FORCES OF THE UNITED STATES OR A  
27 MEMBER OF THE NATIONAL GUARD OF THE UNITED STATES IS TOLLED FOR

1 THE PERIOD OF TIME DURING WHICH A PERSON IS PROHIBITED FROM  
2 COMMENCING OR MAINTAINING THE CIVIL ACTION AGAINST THAT MEMBER  
3 PURSUANT TO SUBSECTION (1).

4 (4) THIS SECTION DOES NOT APPLY TO A CIVIL ACTION IF EITHER  
5 OF THE FOLLOWING APPLIES:

6 (A) THE PARTIES AGREE IN WRITING OR ON THE RECORD TO PROCEED  
7 WITH THE CIVIL ACTION.

8 (B) UPON REQUEST OF THE PARTIES IN WRITING OR ON THE RECORD,  
9 THE COURT IN ITS DISCRETION ENTERS AN ORDER STAYING PROCEEDINGS  
10 IN THE CIVIL ACTION.

11 (5) THIS SECTION APPLIES TO A CIVIL ACTION COMMENCED BEFORE,  
12 ON, OR AFTER THE EFFECTIVE DATE OF THIS SECTION.

13 (6) IF A JUDGMENT PROVIDING ANY TYPE OF RELIEF DESCRIBED IN  
14 SUBSECTION (1)(A) TO (I) WAS ENTERED BEFORE THE EFFECTIVE DATE OF  
15 THIS SECTION AGAINST A MEMBER OF A RESERVE COMPONENT OF THE ARMED  
16 FORCES OF THE UNITED STATES WHILE IN ACTIVE SERVICE OR A MEMBER  
17 OF THE NATIONAL GUARD OF THE UNITED STATES WHILE IN ACTIVE FED-  
18 ERAL SERVICE OR DURING THE 180-DAY PERIOD AFTER TERMINATION OF  
19 THAT SERVICE, UPON REQUEST OF THE MEMBER, THE COURT SHALL ENTER  
20 AN ORDER STAYING ENFORCEMENT OF THAT JUDGMENT FOR 180 DAYS AFTER  
21 THE DATE OF THE ENTRY OF THE JUDGMENT.

22 (7) AS USED IN THIS SECTION, "PERSON" MEANS THE STATE OR ANY  
23 INDIVIDUAL, PARTNERSHIP, CORPORATION, ASSOCIATION, LOCAL UNIT OF  
24 GOVERNMENT, OR OTHER PUBLIC OR PRIVATE ENTITY.

25 SEC. 5854A. IF A PERSON CANNOT COMMENCE OR MAINTAIN A CIVIL  
26 ACTION AGAINST A MEMBER OF A RESERVE COMPONENT OF THE ARMED  
27 FORCES OF THE UNITED STATES OR A MEMBER OF THE NATIONAL GUARD OF

1 THE UNITED STATES UNDER SECTION 1485, THE PERIOD OF LIMITATIONS  
2 FOR COMMENCING A CIVIL ACTION PRESCRIBED IN THIS CHAPTER IS  
3 TOLLED FOR THE PERIOD OF TIME PRESCRIBED IN SECTION 1485.