



HOUSE BILL No. 5253

December 22, 1993, Introduced by Rep. Griffin and referred to the Committee on Judiciary.

A bill to amend section 2559 of Act No. 236 of the Public Acts of 1961, entitled as amended "Revised judicature act of 1961," as added by Act No. 173 of the Public Acts of 1982, being section 600.2559 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 2559 of Act No. 236 of the Public Acts
2 of 1961, as added by Act No. 173 of the Public Acts of 1982,
3 being section 600.2559 of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 2559. (1) ~~The~~ EXCEPT AS PROVIDED IN SUBSECTION (2),
6 THE following schedule ~~shall apply~~ APPLIES as fees for process
7 served out of the circuit court, the probate court, the district
8 court, or any municipal court by any person authorized pursuant
9 to this act or supreme court rule to serve process:

1 (a) For personal service of a summons and complaint in a
2 civil action, along with supporting documents, for each
3 defendant, ~~-\$10.00~~ \$13.00 plus mileage.

4 (b) For personal service of an affidavit of account and
5 statement, for each defendant, ~~-\$10.00~~ \$13.00 plus mileage.

6 (c) For a summons and affidavit in garnishment, for each
7 garnishee and defendant, ~~-\$7.00~~ \$10.00 plus mileage.

8 (d) For seizure and delivery of goods in a case of claim and
9 delivery, ~~-\$20.00~~ \$27.00 plus mileage, plus the actual and rea-
10 sonable expense of taking, keeping, and delivering the goods.

11 (e) For receiving and filing a bond from or on behalf of a
12 defendant in a case of claim and delivery, \$2.00.

13 (f) For an order to show cause, ~~-\$10.00~~ \$13.00 plus
14 mileage.

15 (g) For a subpoena on discovery, ~~-\$10.00~~ \$13.00 plus
16 mileage.

17 (h) For a writ, affidavit, and bond in a case of attachment,
18 ~~-\$10.00~~ \$13.00 plus mileage.

19 (i) For the seizure of property in a case of attachment,
20 ~~-\$20.00~~ \$27.00 plus mileage, plus the actual and reasonable
21 expense for taking and keeping the property.

22 (j) For levy under a writ of execution, ~~-\$20.00~~ \$27.00 plus
23 mileage, plus the actual and reasonable expense for taking, keep-
24 ing, and sale, plus, if the judgment is satisfied prior to sale,
25 7% of the first ~~-\$1,000.00~~ \$5,000.00 in receipts and 3% of
26 receipts exceeding the first ~~-\$1,000.00~~ \$5,000.00.

1 (k) For sale on levy in a case of execution, 7% of the first
 2 ~~\$1,000.00~~ \$5,000.00 in receipts and 3% of any receipts
 3 exceeding the first ~~\$1,000.00~~ \$5,000.00.

4 (l) For each notice of sale on levy in the case of an execu-
 5 tion or mechanics lien posted in a public place in the city or
 6 township, ~~\$10.00~~ \$13.00 plus mileage.

7 (m) For a writ for the restitution of premises, ~~\$20.00~~
 8 \$27.00 plus mileage, plus the actual and reasonable expense for
 9 moving property out of the premises.

10 (n) For a subpoena directed to a witness, including a judg-
 11 ment debtor, ~~\$10.00~~ \$13.00 plus mileage.

12 (o) For a civil bench warrant or body execution, ~~\$20.00~~
 13 \$27.00 plus mileage, plus ~~\$10.00~~ \$13.00 per hour for the amount
 14 of time, if any, involved in executing the warrant.

15 (2) EACH OF THE FEES PRESCRIBED IN SUBSECTION (1) SHALL
 16 INCREASE BY \$1.00 ON OCTOBER 1, 1994, \$1.00 ON OCTOBER 1, 1995,
 17 AND \$1.00 ON OCTOBER 1, 1996.

18 (3) ~~(2)~~ Upon submitting a sworn affidavit, a person who
 19 serves process out of the circuit court, the probate court, the
 20 district court, or any municipal court ~~shall be~~ IS entitled to
 21 receive a \$10.00 fee for each process ~~which~~ THAT has an incor-
 22 rect address. This fee ~~shall be~~ IS in addition to any fee to
 23 which the person is entitled under subsection (1).

24 (4) ~~(3)~~ Mileage allowed under subsection (1) shall be the
 25 same rate per mile, each way, as the rate allowed by the state
 26 civil service commission for employees in the state classified

1 civil service and shall be computed by the shortest distance from
2 the place of service to the following location:

3 (a) For service out of any court other than the district
4 court, and within the same county, to the court.

5 (b) For service out of any court other than the district
6 court, but outside of the county in which the process originates,
7 to the comparable court in that county.

8 (c) For service out of the district court and within the
9 same district, to the court which is the place of return.

10 (d) For service out of the district court, but outside of
11 the district in which the process originates, to the place of the
12 court in that district.

13 (5) ~~-(4)-~~ The fees allowed for the service of an execution
14 and for advertising in conjunction with an execution shall be
15 collected by virtue of the execution, in the same manner as the
16 sum directed to be levied in the execution. If there are several
17 executions against the defendant, at the time of the advertising
18 of the defendant's property, in the hands of the same sheriff or
19 other officer, there shall be only 1 advertising fee charged on
20 the whole, and the sheriff or other officer shall elect upon
21 which execution he or she will receive that fee.

22 (6) ~~-(5)-~~ Any person who serves process out of the circuit
23 court, the probate court, the district court, or any municipal
24 court and who demands or receives any greater fees or compensa-
25 tion for performing any of the services mentioned in this section
26 than as allowed by this section, shall, in addition to all other
27 liabilities now provided by law, be liable to the party injured,

1 for paying the illegal fees, in 3 times the amount so demanded,
2 received, or paid, together with all costs of the action.

3 (7) ~~-(6)-~~ Any sheriff or other officer who, after the fees
4 specified by this section have been tendered, neglects or refuses
5 any of the services required by law shall be liable to the party
6 injured for all damages which the party sustains by reason of
7 that neglect or refusal.