

HOUSE BILL No. 6514

September 29, 2010, Introduced by Reps. Rick Jones, Meadows and Dean and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 2559 (MCL 600.2559), as amended by 2003 PA 243.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2559. (1) Except as provided in subsection (2), the
2 following is the schedule of fees allowed for process or papers
3 served out of a court in this state by a person authorized under
4 this act or supreme court rule to serve process:

5 (a) For personal service of a summons and complaint in a civil
6 action, along with supporting documents, for each defendant, \$18.00
7 plus mileage.

8 (b) For personal service of an affidavit and account, for each
9 defendant, \$18.00 plus mileage.

10 (c) For a request for and writ of garnishment, for each

1 garnishee and defendant, \$15.00 plus mileage.

2 (d) For personal service of an order to seize goods that are
3 the subject of a claim and delivery action, \$32.00 plus mileage,
4 plus the actual and reasonable expense of seizing, keeping, and
5 delivering the goods.

6 (e) For receiving and filing a bond from or on behalf of a
7 defendant in a claim and delivery action, \$12.00.

8 (f) For an order to show cause, for each person served, \$18.00
9 plus mileage.

10 (g) For a subpoena on discovery, for each person served,
11 \$18.00 plus mileage.

12 (h) For levying under or serving an order for the seizure of
13 property and any accompanying paper, \$32.00 plus mileage, plus the
14 actual and reasonable expense ~~for~~**OF** seizing and keeping the
15 property under the order.

16 (i) If the person has seized property under an order for the
17 seizure of property issued in an action in which a judgment is
18 entered against the owner of the property, regardless of whether
19 the judgment is entered before or after the order is issued, and if
20 the judgment is satisfied prior to sale of the seized property by
21 full payment of the judgment or settlement between the parties, 7%
22 of the first \$5,000.00 of the payment or settlement amount and 3%
23 of the payment or settlement amount exceeding the first \$5,000.00.

24 (j) For sale of property seized under an order for the seizure
25 of property, 7% of the first \$5,000.00 in receipts and 3% of any
26 receipts exceeding the first \$5,000.00.

27 (k) For each notice of sale under an order for the seizure of

1 property or construction lien posted in a public place in the city
2 or township, \$18.00 plus mileage.

3 (l) For an order of eviction or a writ for the restitution of
4 premises, for each defendant, \$32.00 plus mileage, plus the actual
5 and reasonable expense for the physical removal of property from
6 the premises.

7 (m) For a subpoena directed to a witness, including a judgment
8 debtor, \$18.00 plus mileage.

9 (n) For a civil bench warrant or body execution, \$32.00 plus
10 mileage, plus a reasonable fee per hour for the amount of time
11 involved in executing the warrant.

12 (o) For service by mail, \$5.00 plus the actual cost of
13 postage.

14 (P) FOR EACH VERIFICATION BY A PROCESS SERVER, \$10.00 PLUS
15 MILEAGE.

16 (Q) FOR EACH POSTAL CHANGE OF ADDRESS VERIFICATION, \$10.00
17 PLUS MILEAGE.

18 (R) FOR PAYING A FEE TO A NOTARY, IN ADDITION TO REIMBURSEMENT
19 OF THE FEE, \$10.00 PER NOTARIZATION.

20 (2) Each of the fees prescribed in subsection (1) (A) TO (O)
21 shall increase by \$1.00 on October 1, 2004, \$1.00 on October 1,
22 2005, and \$1.00 on October 1, 2006.

23 (3) Upon submitting a sworn affidavit, a person authorized by
24 this act or supreme court rule to serve process or papers out of a
25 court in this state is entitled to receive a \$10.00 fee plus
26 mileage for each process that has an incorrect address. This fee is
27 in addition to any fee the person is entitled to receive under

1 subsection (1).

2 (4) Mileage allowed under subsection (1) shall be 1-1/2 times
3 the rate allowed by the state civil service commission for
4 employees in the state classified civil service. Mileage shall be
5 computed, each way, by the shortest distance from the place where
6 the court that issued or filed the process or paper is located to
7 the place of service.

8 (5) The fees and expenses allowed under subsection (1)(h) to
9 (k) shall be collected in the same manner as the sum directed to be
10 levied or collected under the order for the seizure of property. If
11 ~~there are~~ **AT THE TIME OF ADVERTISING PROPERTY FOR SALE A SHERIFF OR**
12 **OTHER OFFICER HAS** several orders for the seizure of property
13 against the **SAME** defendant, ~~at the time of advertising the~~
14 ~~defendant's property for sale, in the hands of the same sheriff or~~
15 ~~other officer,~~ only 1 advertising fee shall be charged on the
16 whole, and the sheriff or other officer shall elect upon which
17 order he or she will receive that fee.

18 (6) A person authorized by this act or supreme court rule to
19 serve process or papers out of a court in this state who demands
20 and receives a greater fee or compensation for performing a service
21 mentioned in this section than allowed by this section ~~shall,~~ **IS,**
22 in addition to all other ~~liabilities~~ **LIABILITY** provided by law, be
23 liable to the party injured by paying the illegal fees for 3 times
24 the amount of illegal fees actually paid ~~, together with~~ **AND** all
25 costs of the action.

26 (7) A sheriff or other officer who, after the fees specified
27 by this section have been tendered, neglects or refuses a service

1 required by law is liable to the party injured for all damages that
2 the party sustains ~~by reason~~ **AS A RESULT** of that neglect or
3 refusal.

4 (8) As used in this section, "order for the seizure of
5 property" includes a writ of attachment and a writ of execution,
6 including, but not limited to, execution in a claim and delivery
7 action on property other than the property that is the subject of
8 the claim and delivery action.