

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

CHAPTER 16
VENUE

600.1601 Venue.

Sec. 1601. The provisions of this chapter relate to venue and are not jurisdictional.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.1605 Venue; real actions; replevin.

Sec. 1605. The county in which the subject of action, or any part thereof, is situated, is a proper county in which to commence and try the following actions:

- (a) the recovery of real property, or of an estate or interests therein, or for the determination in any form of such right or interest;
- (b) the partition of real property;
- (c) the foreclosure of all liens or mortgages on real property; and
- (d) the recovery of tangible personal property.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.1611 Venue; action on probate bond.

Sec. 1611. The county in which a probate bond is filed is a proper county in which to commence and try actions upon the bond.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.1615 Venue; actions against governmental units.

Sec. 1615. Any county in which any governmental unit, including but not limited to a public, municipal, quasi-municipal, or governmental corporation, unincorporated board, public body, or political subdivision, exercises or may exercise its governmental authority is the proper county in which to commence and try actions against such governmental units, except that if the cause of action arose in the county of the principal office of such governmental unit, that county is the proper county in which to commence and try actions against such governmental units.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.1621 Venue; determination; exceptions.

Sec. 1621. Except for actions provided for in sections 1605, 1611, 1615, and 1629, venue is determined as follows:

- (a) The county in which a defendant resides, has a place of business, or conducts business, or in which the registered office of a defendant corporation is located, is a proper county in which to commence and try an action.
- (b) If none of the defendants meet 1 or more of the criteria in subdivision (a), the county in which a plaintiff resides or has a place of business, or in which the registered office of a plaintiff corporation is located, is a proper county in which to commence and try an action.
- (c) An action against a fiduciary appointed by court order shall be commenced in the county in which the fiduciary was appointed.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1969, Act 333, Imd. Eff. Nov. 4, 1969;—Am. 1974, Act 52, Imd. Eff. Mar. 26, 1974;—Am. 1976, Act 375, Eff. Jan. 1, 1977;—Am. 1986, Act 178, Eff. Oct. 1, 1986;—Am. 1995, Act 161, Eff. Mar. 28, 1996.

600.1625 Repealed. 1976, Act 375, Eff. Jan. 1, 1977.

Compiler's note: The repealed section defined “established” for purposes of all matters pertaining to venue.

600.1627 Venue; county where cause of action arose; exceptions; suits against surety of public officers or their appointees.

Sec. 1627. Except for actions founded on contract and actions provided for in sections 1605, 1611, 1615, and 1629, the county in which all or a part of the cause of action arose is a proper county in which to commence and try the action. Suits against the surety of a public officer or his or her appointees are not excepted from the application of this section.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1986, Act 178, Eff. Oct. 1, 1986;—Am. 1995, Act 161, Eff. Mar. 28, 1996.

600.1629 Provisions applicable in action based on tort; grounds for motion for change in venue; determination of venue in product liability action.

Sec. 1629. (1) Subject to subsection (2), in an action based on tort or another legal theory seeking damages for personal injury, property damage, or wrongful death, all of the following apply:

(a) The county in which the original injury occurred and in which either of the following applies is a county in which to file and try the action:

(i) The defendant resides, has a place of business, or conducts business in that county.

(ii) The corporate registered office of a defendant is located in that county.

(b) If a county does not satisfy the criteria under subdivision (a), the county in which the original injury occurred and in which either of the following applies is a county in which to file and try the action:

(i) The plaintiff resides, has a place of business, or conducts business in that county.

(ii) The corporate registered office of a plaintiff is located in that county.

(c) If a county does not satisfy the criteria under subdivision (a) or (b), a county in which both of the following apply is a county in which to file and try the action:

(i) The plaintiff resides, has a place of business, or conducts business in that county, or has its corporate registered office located in that county.

(ii) The defendant resides, has a place of business, or conducts business in that county, or has its corporate registered office located in that county.

(d) If a county does not satisfy the criteria under subdivision (a), (b), or (c), a county that satisfies the criteria under section 1621 or 1627 is a county in which to file and try an action.

(2) Any party may file a motion to change venue based on hardship or inconvenience.

(3) For the purpose of this section only, in a product liability action, a defendant is considered to conduct business in a county in which the defendant's product is sold at retail.

History: Add. 1986, Act 178, Eff. Oct. 1, 1986;—Am. 1995, Act 161, Eff. Mar. 28, 1996;—Am. 1995, Act 249, Eff. Mar. 28, 1996.

Compiler's note: Section 3 of Act 178 of 1986 provides:

“(1) Sections 2925b, 5805, 5838, and 5851 of Act No. 236 of the Public Acts of 1961, as amended by this amendatory act, shall not apply to causes of action arising before October 1, 1986.

“(2) Sections 1483, 5838a, and 6304 of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to causes of action arising on or after October 1, 1986.

“(3) Sections 1629, 1653, 2169, 2591, 2912c, 2912d, 2912e, 6098, 6301, 6303, 6305, 6306, 6307, 6309, and 6311 of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to cases filed on or after October 1, 1986.

“(4) Sections 1651 and 6013 of Act No. 236 of the Public Acts of 1961, as amended by this amendatory act, shall not apply to cases filed before October 1, 1986.

“(5) Chapter 49 of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to cases filed on or after January 1, 1987.

“(6) Chapter 49a of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to cases filed in judicial circuits which are comprised of more than 1 county on or after July 1, 1990 and shall apply to cases filed in judicial circuits which are comprised of 1 county on or after October 1, 1988.”

600.1631 Venue; action by attorney general; other actions.

Sec. 1631. The county in which the seat of state government is located is a proper county in which to commence and try the following actions:

(a) when the action is commenced by the attorney general in the name of the state or of the people of the state for the use and benefit thereof;

(b) when venue cannot be laid under any other of the venue provisions.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.1635 Venue; transportation lines; plaintiff's residence.

Sec. 1635. Notwithstanding the provisions of sections 1621 and 1627 actions against any individual or company owning, operating or leasing a street railway or line of railroad or motor bus or truck route, for the transportation of passengers or freight in this state, shall be commenced either in the county where the cause of action arose or in the county of the plaintiff's residence, if the line or route of such individual or company traverses either the county where the cause of action arose or the county of the plaintiff's residence. If such line or route does not traverse in either such county, then suits against such individual or company may be started in any county in which such individual or company has its principal place of business or owns, operates or leases a line or route.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.1641 Venue; joinder of causes of action; separation.

Sec. 1641. (1) Except as provided in subsection (2), if causes of action are joined, whether properly or not,

venue is proper in any county in which either cause of action, if sued upon separately, could have been commenced and tried, subject to separation and change as provided by court rule.

(2) If more than 1 cause of action is pleaded in the complaint or added by amendment at any time during the action and 1 of the causes of action is based on tort or another legal theory seeking damages for personal injury, property damage, or wrongful death, venue shall be determined under the rules applicable to actions in tort as provided in section 1629.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1995, Act 161, Eff. Mar. 28, 1996;—Am. 1995, Act 249, Eff. Mar. 28, 1996.

600.1645 Improper venue; judgment.

Sec. 1645. No order, judgment, or decree shall be void or voidable solely on the ground that there was improper venue.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.1651 Improper venue; transfer of action to proper county.

Sec. 1651. An action brought in a county not designated as a proper county may nevertheless be tried therein, unless a defendant moves for a change of venue within the time and in the manner provided by court rule, in which case the court shall transfer the action to a proper county on such conditions relative to expense and costs as provided by court rule and section 1653. The court for the county to which the transfer is made shall have full jurisdiction of the action as though the action had been originally commenced therein.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1986, Act 178, Eff. Oct. 1, 1986.

Compiler's note: Section 3 of Act 178 of 1986 provides:

“(1) Sections 2925b, 5805, 5838, and 5851 of Act No. 236 of the Public Acts of 1961, as amended by this amendatory act, shall not apply to causes of action arising before October 1, 1986.

“(2) Sections 1483, 5838a, and 6304 of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to causes of action arising on or after October 1, 1986.

“(3) Sections 1629, 1653, 2169, 2591, 2912c, 2912d, 2912e, 6098, 6301, 6303, 6305, 6306, 6307, 6309, and 6311 of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to cases filed on or after October 1, 1986.

“(4) Sections 1651 and 6013 of Act No. 236 of the Public Acts of 1961, as amended by this amendatory act, shall not apply to cases filed before October 1, 1986.

“(5) Chapter 49 of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to cases filed on or after January 1, 1987.

“(6) Chapter 49a of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to cases filed in judicial circuits which are comprised of more than 1 county on or after July 1, 1990 and shall apply to cases filed in judicial circuits which are comprised of 1 county on or after October 1, 1988.”

600.1653 Motion for change of venue in action based on tort; awarding expenses and costs.

Sec. 1653. If a party brings a motion for a change of venue in an action based on tort alleging improper venue, the court shall award expenses and costs as follows:

(a) If the motion is granted, the court shall, after opportunity for a hearing, require the party who opposed the motion to pay to the moving party the reasonable expenses, including reasonable attorney fees, incurred in obtaining the order and to pay the statutory filing fee applicable to the court to which the action is transferred unless the court orders the change of venue for the convenience of the parties and witnesses or when an impartial trial cannot be had where the action is pending.

(b) If the motion is denied, the court shall, after opportunity for a hearing, require the moving party to pay to the party who opposed the motion the reasonable expenses, including reasonable attorney fees, incurred in opposing the motion, unless the court maintains venue for the convenience of the parties and witnesses.

History: Add. 1986, Act 178, Eff. Oct. 1, 1986.

Compiler's note: Section 3 of Act 178 of 1986 provides:

“(1) Sections 2925b, 5805, 5838, and 5851 of Act No. 236 of the Public Acts of 1961, as amended by this amendatory act, shall not apply to causes of action arising before October 1, 1986.

“(2) Sections 1483, 5838a, and 6304 of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to causes of action arising on or after October 1, 1986.

“(3) Sections 1629, 1653, 2169, 2591, 2912c, 2912d, 2912e, 6098, 6301, 6303, 6305, 6306, 6307, 6309, and 6311 of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to cases filed on or after October 1, 1986.

“(4) Sections 1651 and 6013 of Act No. 236 of the Public Acts of 1961, as amended by this amendatory act, shall not apply to cases filed before October 1, 1986.

“(5) Chapter 49 of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to cases filed on or after January 1, 1987.

“(6) Chapter 49a of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to cases filed in judicial circuits which are comprised of more than 1 county on or after July 1, 1990 and shall apply to cases filed in judicial circuits which are comprised of 1 county on or after October 1, 1988.”

600.1655 Venue; change; conditions; expense of trial.

Sec. 1655. On such grounds and conditions as may be provided by court rule, the venue of any civil action brought in a proper county may be changed to any other county, and the action there tried. The court of the county to which the transfer is made shall thereupon have full jurisdiction of the action as though the action had been originally commenced therein. In every such case all expenses of the trial which would be chargeable to the county in which the action originated had the action been tried therein, as determined by the circuit judge of the county to which the action has been transferred, shall be a charge upon the county in which the action originated.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.1659 Transfer of judgments in action affecting real or tangible personal property.

Sec. 1659. When a civil action affecting the title to or possession of real or tangible personal property has been tried in a county other than the county in which all of the real or tangible personal property is situated, the clerk of the court, after final judgment therein, must certify under his seal of office and transmit a copy of the judgment to the corresponding court of any county in which real or tangible personal property affected by the action is situated. The clerk of the court receiving the copy must file and record the judgment in the records of the court, briefly designating it as a judgment transferred from (naming the court).

History: 1961, Act 236, Eff. Jan. 1, 1963.