

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

CHAPTER 20  
PARTIES

**600.2001 Married women; actions by and against.**

Sec. 2001. Actions may be brought by and against a married woman as if she were unmarried.

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

**600.2005 Married women; tort; action against both spouses.**

Sec. 2005. No suit may be brought against husband and wife, jointly, or against the husband alone, for any tort of the wife, unless such tort was committed under such circumstances as to render them both liable.

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

**600.2011 Indians; judicial rights and privileges.**

Sec. 2011. All Indians are capable of suing and being sued in any of the courts of this state in like manner and with the same effect as other inhabitants thereof, and are entitled to the same judicial rights and privileges.

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

**600.2021 Foreign corporations; actions based on forbidden acts; exceptions.**

Sec. 2021. (1) If a law of this state prohibits a corporation or an association of individuals from performing an act unless the act is expressly authorized by law, and the act is done by a foreign corporation, the foreign corporation shall not maintain an action based on that act, or upon any liability or obligation, express or implied, arising out of or made or entered into in consideration of that act.

(2) Subsection (1) does not apply to a foreign corporation subject to the business corporation act, 1972 PA 284, MCL 450.1101 to 450.2098, or the nonprofit corporation act, 1982 PA 162, MCL 450.2101 to 450.3192.

**History:** 1961, Act 236, Eff. Jan. 1, 1963;—Am. 2002, Act 438, Imd. Eff. June 11, 2002.

**600.2031 Counties; actions by or against.**

Sec. 2031. Whenever any controversy or cause of action exists between any of the counties of this state, or between any county and any individual or individuals, such proceedings may be had for the purpose of trying and finally settling such controversy, and the same shall be conducted in like manner, and the judgment therein shall have the like effect, as in other suits or proceedings between individuals and corporations.

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

**600.2041 Real party in interest; actions on official or personal bonds; taxpayer's suit.**

Sec. 2041. Every action shall be prosecuted in the name of the real party in interest; but an executor, administrator, guardian, trustee of an express trust, a party with whom or in whose name a contract has been made for the benefit of another, or a party authorized by statute may sue in his own name without joining with him the party for whose benefit the action was brought, and further

(1) an action upon the bond of any public officer required to give bond to the people of this state may be brought in the name of the person to whom the right thereon accrues; and

(2) an action upon any bond, contract, or undertaking lawfully made with an officer of this state or any governmental unit, including but not limited to a public, municipal, quasi-municipal, or governmental corporation, unincorporated board, public body, or political subdivision, may be brought in the name of the state or any such unit for whose benefit the contract was made; and

(3) an action to prevent the illegal expenditure of state funds or to test the constitutionality of a statute relating thereto may be brought in the name of a domestic nonprofit corporation organized for civic, protective, or improvement purposes, or in the names of at least 5 residents of this state who own property assessed for direct taxation by the county wherein they reside.

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

**600.2045 Guardian ad litem for unborn persons.**

Sec. 2045. (1) If in an action or proceeding, other than in probate court, it appears that a person not in being may become entitled to a property interest, real or personal, legal or equitable, involved in or affected by the action or proceeding, and the interest of the unborn person is not or cannot otherwise properly be represented and protected, the court, upon its own motion, or upon the motion of any party, may appoint a

suitable person to appear and act as guardian ad litem of the unborn person. The guardian ad litem is authorized to engage counsel and do whatever is necessary to defend and protect the interest of the unborn person. A judgment or order made after the appointment shall be conclusive upon the unborn person for whom a guardian was appointed.

(2) The guardian ad litem may be removed by the court which appointed him, without notice, when it appears to the court to be for the best interests of the ward. The guardian ad litem may be allowed reasonable compensation by the court appointing him, to be paid and taxed as a cost of the proceedings as directed by the court.

**History:** Add. 1968, Act 292, Eff. Nov. 15, 1968.

**600.2051 Capacity to sue or be sued; assumed name; partnerships; unincorporated voluntary associations; corporations; state; governmental units; officers.**

Sec. 2051. (1) Any natural person may sue or be sued in his own name. A person conducting a business under a name subject to certification pursuant to the assumed name statute may be sued in such name in an action arising out of the conduct of such business.

(2) A partnership, partnership association, or any unincorporated voluntary association having a distinguishing name may sue or be sued in its partnership or association name, or in the names of any of its members designated as such or both.

(3) A corporation, either domestic or foreign, may sue or be sued in its corporate name, except as otherwise provided by statute.

(4) Actions to which this state or any governmental unit, including but not limited to a public, municipal, quasi-municipal, or governmental corporation, unincorporated board, public body, or political subdivision is a party may be brought by or against such party in its own name, or in the official capacity of an officer authorized to sue or be sued in its behalf, except that an officer of the state or any such unit shall be sued in his official capacity for the purpose of enforcing the performance by him of an official duty. Whenever any officer sues or is sued in his official capacity, he may be described as a party by his official title and not by name, subject to the discretion of the court, upon its own motion or that of any party, to require his name to be added.

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