

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

600.8402 Commencement of action; filing, form, and contents of affidavit; notice; name of plaintiff; removal; waiver.

Sec. 8402. (1) An action shall be commenced in the small claims division by filing with the clerk or a deputy clerk of the district court an affidavit and 1 copy of the affidavit for each defendant to be served. The form and contents of the affidavit shall be as prescribed by statute and the state court administrator. On the same form as the affidavit there shall be printed a notice directing the defendant to appear and answer as prescribed in section 8404.

(2) The full and correct name of the plaintiff shall be given, and the affidavit shall state whether the plaintiff is a corporation, partnership, sole proprietorship, or individual. If the plaintiff was acting under an assumed name or business name at the time the claim arose, the assumed name or business name shall be given.

(3) The affidavit, in boldface type, shall inform both parties of the right to removal before trial from magistrate jurisdiction, if applicable, and removal before trial to the general civil division. The affidavit shall inform the parties of rights waived if they choose to remain in the small claims division.

History: Add. 1968, Act 154, Imd. Eff. June 17, 1968;—Am. 1978, Act 496, Eff. Jan. 1, 1979;—Am. 1984, Act 278, Eff. Jan. 1, 1985;—Am. 1991, Act 192, Eff. July 1, 1992.