

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

600.8423 Separate action by defendant; transmittal fee; transfer of cause.

Sec. 8423. (1) If a defendant in a small claims action has a claim against the plaintiff, which claim is for an amount over the jurisdiction of the small claims division but of a nature which would be subject to counterclaim in accordance with rules of the supreme court, he may commence an action against the plaintiff in a court of competent jurisdiction and file with the clerk or deputy clerk of the small claims division wherein the plaintiff has commenced his action, at or before the time set for the trial of the small claims action, an affidavit in a form prescribed by the supreme court setting forth the fact of the commencement of such action by the defendant. He shall attach to the affidavit a true copy of the complaint filed by him against plaintiff, and pay to the clerk or deputy clerk the sum of \$1.00 for a transmittal fee, and shall mail to the plaintiff a copy of the affidavit and complaint at or before the time above stated. Thereupon the judge of the small claims division shall order that the small claims action shall be transferred to the court set forth in the affidavit and he shall transmit all files and papers in the action to the other court and the actions shall then be tried together in the other court.

(2) The plaintiff in the small claims action shall not be required to pay to the clerk of the court to which the action is transferred any transmittal, appearance or filing fee in the action.

History: Add. 1968, Act 154, Imd. Eff. June 17, 1968.