

# Order

Michigan Supreme Court  
Lansing, Michigan

September 9, 2009

Marilyn Kelly,  
Chief Justice

ADM File No. 2005-32

Amendment of Rules 2.112 and  
3.101 of the Michigan Court Rules

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Michael F. Cavanagh  
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Justices

On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendments of Rule 2.112 and 3.101 of the Michigan Court Rules are adopted, effective January 1, 2010.

[Additions are indicated by underline, and deletions by strikethrough.]

Rule 2.112 Pleading Special Matters

(A)-(M) [Unchanged.]

(N) A party whose cause of action is to collect a consumer debt as defined in the Michigan collection practices act (MCL 445.251[a] and [d]) must also include the following information in its complaint:

- (1) the name of the creditor (as defined in MCL 445.251[e] and [f]), and
- (2) the corresponding account number or identification number, or if none is available, information sufficient to identify the alleged debt, and
- (3) the balance due to date.

Rule 3.101 Garnishment After Judgment

(A)-(C)[Unchanged.]

(D) Request for and Issuance of Writ. The clerk of the court that entered the judgment shall review the request. The clerk shall issue a writ of garnishment if the writ appears to be correct, complies with these rules and the Michigan statutes, and if

the plaintiff, or someone on the plaintiff's behalf, makes and files a statement verified in the manner provided in MCR 2.114(A) stating:

- (1) that a judgment has been entered against the defendant and remains unsatisfied;
- (2) the amount of the judgment; the total amount of the postjudgment interest accrued to date; the total amount of the postjudgment costs accrued to date; the total amount of the postjudgment payments made to date, and the amount remaining unpaid of the unsatisfied judgment now due (including interest and costs);
- (3) [Unchanged.]

(E)-(T)[Unchanged.]

Staff Comment: The amendments of MCR 2.112 impose specific pleading requirements for a case that is a consumer debt action under the Michigan collection practices act, which will provide defendants with relevant information regarding the alleged debt. The amendments of MCR 3.101 require those who seek a garnishment to provide specific information regarding the interest and costs related to the judgment.

The staff comment is not an authoritative construction by the Court.



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 9, 2009

*Corbin R. Davis*

Clerk