



Michigan Supreme Court

State Court Administrative Office

Trial Court Services Division

Michigan Hall of Justice

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Jennifer Warner
Director

MEMORANDUM

DATE: March 8, 2012

TO: Circuit Court Administrators and County Clerks
District Court Administrators and District Court Clerks
Probate Court Administrators and Probate Registers

cc: Chief Circuit Judges
Chief District Judges
Chief Probate Judges

FROM: Jennifer Warner, Director

RE: Certification of Copies and Exemplifications of Records; Fees

The State Court Administrative Office (SCAO) has received inquiries about differing local practices in assessing and collecting fees governed by MCL 600.2546. That statute permits the court to charge a fee for the act of certifying a copy of a record or for the act of exemplifying records. However, as a result of recent changes in the requirements of other states regarding the exemplification of records pursuant to 28 USC 1738, some courts are now being asked to perform other acts that are not authorized by statute, which is creating uncertainty about how to respond to these requests, as well as what fee to assess.

The following guidelines provide direction for certifying copies of records and for attestation (exemplification) when records are being sent out-of-state, including collection of associated fees.

A. Assessing Fees for Certification of Copies and Exemplifications of Records

Pursuant to MCL 600.2546¹, a court may charge \$10.00 for certifying a copy of a record, and may charge \$10.00 for the act of exemplifying records (attestation) as required by 28

¹ MCL 600.2546. Except as otherwise provided by law, in the circuit court, district court, or probate court, for all certified copies, and exemplifications of records, pleadings and proceedings furnished on request, where no special provision is otherwise made, the fee is \$10.00 plus \$1.00 per page.

USC 1738², regardless of the number of signatures and seals on the exemplification. There is no fee associated with sealing a certified copy of a document or an attestation of the clerk (exemplification of records).

B. Guidelines for Collecting Certified Copy and Exemplification of Records Fees

1. Certification

A copy of a record (affidavit, document, paper, etc.) is certified by affixing or stamping a certification onto that record in accordance with Component 10 of the *Michigan Trial Court Case File Management Standards*. A certified copy of a record need not be sealed by the court unless it is to be admitted into evidence in a court. See Component 10 of the *Michigan Trial Court Case File Management Standards* for a list of documents that require a court seal. There is no fee for affixing a court seal to a certified copy.

2. Attestation/Exemplification and Sealing

SCAO-Approved form MC 202 (Attestation/Exemplification of Records), or a similar document, is used to enable a clerk to exemplify a record pursuant to 28 USC 1738. The attestation of the clerk must be certified by a judge of the court. The court must affix its seal to the attestation in accordance with Component 10 of the *Michigan Trial Court Case File Management Standards*. There is no fee for affixing a court seal to an attestation/exemplification of records.

3. Certifying an Attestation/Exemplification; Affixing Additional Court Seals

The act of attestation pursuant to 28 USC 1738 is not a certification, and a clerk of the court is not authorized to certify the attestation pursuant to either 28 USC 1738 or MCL 600.2546. If a court is asked to certify form MC 202 or a document serving the same purpose as form MC 202, or to seal it more than once, the court may do so at its own discretion, but it may not charge for these additional actions.

Court and county clerk staffs with questions should contact Amy Garoushi at 517-373-4864.

² 28 USC 1738. The records and judicial proceedings of any court of any such State, Territory or Possession, or copies thereof, shall be proved or admitted in other courts within the United States and its Territories and Possessions by the attestation of the clerk and seal of the court annexed, if a seal exists, together with a certificate of a judge of the court that the said attestation is in proper form.