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Conditional Dismissal Flowchart

See the Michigan Judicial Institute's *Civil Proceedings Benchbook* for information on civil procedure.

- Consent order for conditional dismissal must be signed and approved by all parties. MCR 2.602(C)(1).
- The order must clearly state the terms for reinstatement of the case and entry of judgment. MCR 2.602(C)(1).
- All parties have the affirmative duty to inform the court of any change of address until the terms of the settlement agreement have been satisfied. MCR 2.602(C)(4).

Compliance with the conditional dismissal.

No additional action.

Breach of the conditional dismissal.

- Non-defaulting party must file an affidavit stating that the breaching party defaulted on the terms. MCR 2.602(C)(2)(a).
- Non-defaulting party must serve the affidavit on the breaching party at its current address listed in the court records and file proof of service with the court. MCR 2.602(C)(2)(b).

Does the order for conditional dismissal state that judgment may be entered without notice or further process? MCR 2.602(C)(2)(c)-(d).

Yes.

Are the conditions for entry of judgment in the conditional dismissal order satisfied? MCR 2.602(C)(2)(c).

Yes.

Court must enter the proposed judgment. MCR 2.602(C)(2)(c).

No.

No action necessary.

No.

Affidavit must be accompanied by notice to the breaching party that an order for reinstatement and for entry of judgment is being submitted to the court for entry if no written objections to the affidavit's accuracy or completeness are filed within 14-days of service. MCR 2.602(C)(2)(d). The 14-day notice requirement may be waived for summary proceedings to recover possession if the waiver is acknowledged in writing. MCR 2.602(C)(2)(d)(*iii*).

Written objections timely filed?

Yes.

Is the objection verified and does it state with specificity the reason that an order for reinstatement of the case and entry of judgment should not enter? MCR 2.602(C)(2)(d)(*i*).

Yes.

The court must set a hearing and serve notice of the hearing to all parties. MCR 2.602(C)(2)(d)(*ii*).

No.

No.

Court must sign and enter an order for reinstatement and entry of judgment. MCR 2.602(C)(2)(d).