

STATE OF MICHIGAN JUDICIAL DISTRICT	PETITION REGARDING IMPOUNDMENT OF MOTOR VEHICLE OR SEIZURE OF MOTORCYCLE	CASE NO.
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Court address _____ Court telephone no. _____

Petitioner's name, address, and telephone no.

v

Respondent's name, address, and telephone no.

NOTE: The petitioner must be the owner of the vehicle.

NOTE: The respondent may be a police agency or a towing company.

See instructions on other side

PETITION

1. The petitioner requests a court hearing to determine
 - a. whether a vehicle owned by the petitioner was properly deemed abandoned or removed according to law.
 - b. the reasonableness of towing/storage fees.
 - c. whether a motorcycle owned by the petitioner should be returned according to law.
2. For purposes of providing notice of hearing, the name and address of the
 - a. towing agency are: _____
 - b. secured party are: _____
 - c. private property owner who requested removal of the vehicle are: _____

3. The vehicle is described as follows: _____ Year and make _____ Vehicle identification number _____ License: _____ Year _____ Number _____ State _____

4. The vehicle described above was seized removed on _____ Date _____
by order of _____ Police agency _____ . Notice received _____ Date _____ .

5. Towing/storage fees in the amount of \$ _____ have have not been paid to the custodian of the vehicle. The custodian's name and address are _____ .

6. Bond was posted in the amount of \$40.00 plus the amount of the accrued towing and storage fees.

7. The petitioner requests damages, costs, and actual attorney fees of \$ _____ .

Date /s/ _____
Petitioner

For Court use only

NOTICE OF HEARING

A hearing on the above petition will be held on _____ Date _____ at _____ Time _____ at _____ Location _____ . Persons with knowledge of the facts should appear at this hearing.

Date Judge/Deputy clerk _____

CERTIFICATE OF MAILING

I certify that on this date I served a copy of this notice on the parties, the towing agency, and any other person required to receive notice by first-class mail addressed to their last-known addresses as defined by MCR 2.107(C)(3).

Date /s/ _____
Deputy clerk

INSTRUCTIONS:

1. If you wish to contest that this vehicle has been properly deemed abandoned or removed, or the reasonableness of the towing and daily storage fees, complete items 1 through 7 of the petition and request a hearing with the court. (If the motor vehicle was removed by a private property owner and the removal was not authorized by a police agency, do not include a police agency in item 4 of the petition.) The petition, filing fee, and other applicable fees must be filed with the court either by mail or personal appearance within 20 days of the date of the notice that the vehicle was taken into custody. **You must bring proof of ownership of the vehicle to the hearing.**

WARNING: Failure to redeem the vehicle or request a hearing within 20 days after the date of the notice may result in termination of all rights of the owner and the secured party to the vehicle.

2. If you wish to request that a motorcycle seized by a police officer and held longer than 30 calendar days be returned, complete items 1, 2, 4, and 7 of the petition and request a hearing with the court. The hearing date must be within 10 days from the date of the filing of the petition. **You must bring proof of ownership of the vehicle to the hearing.**
3. Upon filing this petition, the court will:
 - a. Schedule a hearing within 30 days for the purpose of determining whether the police agency, towing agency or custodian, or private property owner acted properly.
 - b. Notify the owner, towing agency or custodian, and police agency, or if the vehicle was removed from private property, notify the private property owner, of the time and place of the hearing. (MCL 257.252f[1])
4. The matter shall be resolved after the hearing conducted by the court. You may obtain release of an impounded vehicle before the hearing in one of the following ways.
 - a. Post with the court a towing and storage bond plus the accrued towing and storage fees.
 - b. Pay to the court a statutory fee and the towing and storage fees.

If the court finds that the vehicle was not properly deemed abandoned or removed, you will be reimbursed for the towing and storage fees according to law, and the abandoned vehicle fee will be returned.

5. Abandoned vehicle means either of the following.
 - a. A vehicle that has remained on private property without the consent of the owner.
 - b. A vehicle that has remained on public property for a period of not less than 48 hours as follows:
 - 1) A vehicle that has remained on a state trunk line highway for a period of not less than 18 hours if a valid registration plate is affixed to the vehicle.
 - 2) A vehicle that has remained on a state trunk line highway if a valid registration plate is not affixed to the vehicle. (MCL 257.252a[2])

Registered abandoned scrap vehicle means a vehicle that meets all of the following.

- a. Is on public or private property.
- b. Is 7 or more years old.
- c. Is apparently inoperable or is extensively damaged, to the extent that the cost of repair so that it is operational and safe would exceed the fair market value of the vehicle.
- d. Is currently registered or titled in Michigan or displays current year registration plates from another state. (MCL 257.252b[1][a])

Unregistered abandoned scrap vehicle means a vehicle that meets all of the following.

- a. Is on public or private property.
- b. Is 7 or more years old.
- c. Is apparently inoperable or is extensively damaged, to the extent that the cost of repair so that it is operational and safe would exceed the fair market value of the vehicle.
- d. Is not currently registered in Michigan and does not display current year registration plates from another state. (MCL 257.252b[1][b])