

Order

Michigan Supreme Court
Lansing, Michigan

January 20, 2021

Bridget M. McCormack,
Chief Justice

ADM File No. 2019-41

Amendment of Rule
4.201 of the Michigan
Court Rules

Brian K. Zahra
David F. Viviano
Richard H. Bernstein
Elizabeth T. Clement
Megan K. Cavanagh
Elizabeth M. Welch,
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 amendment of Rule 4.201 of the Michigan Court Rules is adopted, effective May 1, 2021.

[Additions to the text are indicated in underlining and
deleted text is shown by strikeover.]

Rule 4.201 Summary Proceedings to Recover Possession of Premises

(A)-(B) [Unchanged.]

(C) Summons.

(1) [Unchanged.]

(2) The summons must state whether or not the action is brought in the county or district in which the premises or any part of the premises is situated.

~~(3)~~ The summons must also include the following advice to the defendant:

(a)-(d) [Unchanged.]

(e) The defendant has a right to have the case tried in the proper county, district, or court. The case will be transferred to the proper county, district, or court if the defendant moves the court for such transfer.

(D)-(E) [Unchanged.]

(F) Appearance and Answer; Default.

(1)-(2) [Unchanged.]

(3) Right to Proper Venue. If the plaintiff has indicated on the summons that the premises or any part of the premises is situated in a different county or district, the court must inform the defendant, at the hearing scheduled pursuant to section (C)(1) of this rule, of the right to motion the court to transfer the case to the county or district where the premises or any part of the premises is situated and that such a motion will be granted.

(a) The court may order change of venue on its own motion.

(b) A motion to change venue pursuant to this subrule and MCL 600.5706(4) may be made in writing before the date listed on the summons, pursuant to section (C)(1) of this rule, or orally in response to the court's advisement in this subrule.

(c) Transfer of the case shall be pursuant to MCR 2.223.

(3)-(5) [Renumbered (4)-(6) but otherwise unchanged.]

(G)-(O) [Unchanged.]

Staff comment: The amendment of MCR 4.201 requires disclosure of the right to object to venue in actions brought under the Summary Proceedings Act for landlord/tenant proceedings in district court, consistent with MCL 600.5706.

The staff comment is not an authoritative construction by the Court. In addition, adoption of an amendment in no way reflects a substantive determination by this Court.

VIVIANO, J., opposes adoption of this amendment.



I, Larry S. Royster, 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.

January 20, 2021

Clerk