



OAKLAND COUNTY CLERK/REGISTER OF DEEDS

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LISA BROWN
COUNTY CLERK/REGISTER OF DEEDS

JENNIFER HOWDEN
CHIEF DEPUTY COUNTY CLERK

August 29, 2019

Michigan Supreme Court
Clerk of the Court
P.O. Box 30052
Lansing, MI 48909

Re: ADM File No. 2002-37 Proposed Amendments of multiple court rules beginning with 1.109

To Whom It May Concern:

The Oakland County Clerk's Office agrees with amendments to create similar procedures for transfers and change of venues processes. From a trial court clerk's perspective there are numerous occasions in which orders and motions changing venue do not cite the court rule the request is founded on. In addition, many orders do not indicate who is responsible for payment. These scenarios create difficulty when determining how to proceed as the transferring court and well as the receiving court.

The concerns arise from the proposal wherein the receiving courts would initiate change of venue and transfer cases without the funds first being secured. Each of the proposed court rules indicate there shall be no action until payment is made. This would be exceptionally difficult to monitor.

Proposed MCR 2.222 and MCR 3.212 state if payment is not made within 28 days of the order, the receiving court must order the case to be transferred back. This would be a burden to the clerk and court. Clerk staff would have to monitor the change of venue/transfer cases and if payment had not been made, create an order, obtain a judicial signature, and prepare the file to transfer back to the original court. Transferring a case back to the original court would be unnecessary if payment was made prior to initiating the case in the receiving court.

We respectfully request any of the following options for all change of venue and transfer scenarios:

1. Do not send cases to the receiving court until payment has been made to the transferring court. Or...
2. If cases are required to be sent without obtaining funds first, then do not require receiving courts to initiate cases until payment has been made. If payment is not made within the 28 days, the clerk can return the file to the original court with a notice indicating payment had not been received. Or...

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3. If cases are sent without obtaining funds and courts are required to initiate and suspend payment, then allow the receiving courts to dismiss cases where payment has not been made within 28 days. This would alleviate the requirement to prepare and return the file to the original court. It would be less burdensome if the clerks could administratively dismiss the case, similar to the clerk's order of dismissal under MCR 2.102(E)(2).

Thank you in advance for your consideration.

Jennifer Howden
Chief Deputy County Clerk
Oakland County Clerk's Office
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