

HOUSE BILL No. 4463

March 16, 1989, Introduced by Reps. Gire, Power, Joe Young, Jr., DeBeaussaert, Pitoniak, Gubow, Profit, Miller, Gilmer, Bandstra, Oxender, Jondahl and Perry Bullard and referred to the Committee on Judiciary.

A bill to amend section 846 of Act No. 236 of the Public Acts of 1961, entitled as amended
"Revised judicature act of 1961,"
being section 600.846 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 846 of Act No. 236 of the Public Acts of
2 1961, being section 600.846 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 846. In an action or proceeding pending in any other
5 court of this state of which the probate court and the other
6 court have concurrent jurisdiction, the judge of the other court,
7 UPON MOTION OF A PARTY AND AFTER A FINDING AND ORDER ON THE
8 JURISDICTIONAL ISSUE, may by order remove the action or
9 proceeding to the probate court. ~~In that event~~ IF THE ACTION
10 OR PROCEEDING IS REMOVED TO THE PROBATE COURT, the ~~other~~ judge

1 OF THE OTHER COURT shall forward to the probate court the
2 original of all papers in the action or proceeding and thereafter
3 proceedings shall not be had before the other court, except by
4 appeal or review provided by law or supreme court rule, and the
5 action or proceeding shall be prosecuted in the probate court as
6 a probate court proceeding.

7 Section 2. This amendatory act shall not take effect unless
8 all of the following bills of the 85th Legislature are enacted
9 into law:

10 (a) Senate Bill No. _____ or House Bill No. _____ (request
11 no. 01628'89).

12 (b) Senate Bill No. _____ or House Bill No. 4464 (request
13 no. 01628'89 b).