

# HOUSE BILL No. 5175

October 12, 1989, Introduced by Reps. Pitoniak, Brown, Honigman, Pridnia, Jondahl, Miller, Gagliardi, Weeks, Gnodtke, DeMars and Hickner and referred to the Committee on Judiciary.

A bill to amend sections 2558, 2559, and 2567 of Act No. 236 of the Public Acts of 1961, entitled as amended

"Revised judicature act of 1961,"

section 2558 as amended and section 2559 as added by Act No. 173 of the Public Acts of 1982 and section 2567 as amended by Act No. 300 of the Public Acts of 1984, being sections 600.2558, 600.2559, and 600.2567 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 2558, 2559, and 2567 of Act No. 236 of  
2 the Public Acts of 1961, section 2558 as amended and section 2559  
3 as added by Act No. 173 of the Public Acts of 1982 and section  
4 2567 as amended by Act No. 300 of the Public Acts of 1984, being  
5 sections 600.2558, 600.2559, and 600.2567 of the Michigan  
6 Compiled Laws, are amended to read as follows:

1       Sec. 2558. (1) The sheriff ~~shall be~~ IS entitled to the  
2 ~~fees provided in this section and section 2559.~~ FOLLOWING FEES:

3       ~~(2) The following fees of the sheriff are allowed.~~

4       (a) For taking a bond if the sheriff is authorized to take  
5 the bond, \$1.50; for a certified copy of the bond, if requested,  
6 \$1.00.

7       (b) For every certificate on the sale of real estate, \$1.50;  
8 and for each copy of the certificate, \$1.50, which, together with  
9 the register's fee for filing the certificate, shall be collected  
10 as other fees on execution.

11       (c) For taking a bond for the liberties of the jail, \$1.50.

12       (d) For summoning a jury upon a writ of inquiry, attending  
13 the jury, and making and returning the inquisition, \$5.00.

14       (e) For summoning a jury pursuant to ~~any~~ A precept or sum-  
15 mons of ~~any~~ AN officer ~~if any~~ IN A special proceeding, \$5.00,  
16 and for attending the jury when required, \$5.00.

17       (f) For bringing up a prisoner upon habeas corpus, \$3.00,  
18 and for traveling each mile from the jail, 15 cents; for attend-  
19 ing ~~any~~ court with that prisoner, \$5.00 per day, plus actual  
20 necessary expenses.

21       (g) For attending before ~~any~~ AN officer with a prisoner  
22 for the purpose of having the prisoner surrendered in exoneration  
23 of his or her bail, or FOR attending to receive a prisoner so  
24 surrendered, who was not committed at the time, and receiving  
25 that prisoner into the sheriff's custody, ~~in either case,~~  
26 \$15.00.

1 (h) For attending a view, ~~when~~ IF ordered by the court,  
2 \$15.00 per day, including the time occupied in going and  
3 returning.

4 (i) For making and returning an inventory and appraisal to  
5 the appraisers, \$10.00 for each day actually employed, and \$5.00  
6 for each half day. The court, by rule, may adjust a schedule  
7 fixing THE amount of appraisal fees if the court considers the  
8 statutory fee to be inadequate.

9 (j) For drafting an inventory, \$1.25 for each page, and for  
10 copying the inventory, 10 cents for each page.

11 (k) For giving notice ~~for~~ OF A general or special election  
12 to the inspectors of the different townships and wards of the  
13 county, \$1.00 for each township or ward ~~—~~ and the expenses of  
14 publishing the notices required by law, those fees and expenses  
15 to be paid by the county, as other contingent expenses of the  
16 election.

17 (l) For attending the supreme court by the order of the  
18 court, \$10.00 for each day, to be allowed by the auditor general  
19 on the certificate of the clerk, and paid out of the state trea-  
20 sury, not taxable as costs.

21 (m) For attending the circuit court, by the order of the  
22 court, \$15.00 for each day, except in the county of Wayne; not  
23 taxable as costs. In the county of Wayne there shall be paid to  
24 the deputy sheriffs in actual attendance on the circuit court in  
25 the county ~~such~~ compensation ~~as shall be~~ fixed by the COUNTY  
26 board of commissioners in accordance with the county uniform  
27 salary plan to be allowed and paid as other contingent charges of

1 the county are paid; the number of deputies shall not exceed 2  
2 for each judge of the third judicial circuit.

3 (n) For summoning grand or petit jurors to attend the cir-  
4 cuit court, \$2.00 for each juror summoned, not taxable as costs.

5 (o) For keeping and providing for a debtor in jail ~~where~~  
6 IF the debtor is unable to support himself or herself, \$1.00 for  
7 each day or ~~such~~ A sum ~~as shall be~~ fixed by the COUNTY board  
8 of commissioners, to be paid by the creditor each week, in  
9 advance. ~~, and which sum the~~ THE creditor ~~shall be~~ IS enti-  
10 tled to recover THIS SUM from the debtor.

11 (p) For posting notices on property for foreclosure sales,  
12 \$10.00 for each posting, plus mileage.

13 (q) For selling lands on the foreclosure of a mortgage by  
14 advertisement ~~—~~ and executing a deed to the purchaser and for  
15 all services required on that sale, \$10.00.

16 (r) For each adjournment of the sale of land on the foreclo-  
17 sure of a mortgage by advertisement, \$8.00.

18 (s) For serving notice of a person claiming title under a  
19 tax deed, in person and by mail, \$10.00 plus mileage.

20 (2) AS AN ALTERNATIVE TO A FEE SET FORTH IN SUBSECTION (1),  
21 THE COUNTY BOARD OF COMMISSIONERS MAY SET A FEE AT OR BELOW THE  
22 COST OF PROVIDING THE SERVICE.

23 (3) Mileage allowed under subsection ~~-(2)-~~ (1) shall be com-  
24 puted in the same manner as provided for process served out of  
25 the circuit court under section ~~-2559(3)-~~ 2559(4).

26 (4) ~~Any~~ A sheriff or other officer who demands or receives  
27 ~~any greater fees~~ A FEE or compensation for performing any of

1 the services mentioned in this section GREATER than ~~as~~ THAT  
2 allowed by this section, ~~shall~~, in addition to ~~all~~ other  
3 liabilities ~~now~~ provided by law, ~~be~~ IS liable to the party  
4 injured, ~~for~~ BY paying the illegal ~~fees, in~~ FEE OR COMPENSA-  
5 TION, FOR 3 times the amount so demanded, received, or paid,  
6 together with all costs of the action.

7 (5) ~~Any~~ A sheriff or other officer who neglects or refuses  
8 any of the services required by law, after the fees specified  
9 have been tendered, ~~shall be~~ IS liable to the party injured for  
10 ~~all~~ damages ~~which~~ THAT the party sustains by reason of that  
11 neglect or refusal.

12 Sec. 2559. (1) The following schedule shall apply as fees  
13 for process served out of the circuit court, the probate court,  
14 the district court, or ~~any~~ A municipal court by ~~any~~ A person  
15 authorized pursuant to this act or supreme court rule to serve  
16 process:

17 (a) For personal service of a summons and complaint in a  
18 civil action, along with supporting documents, for each  
19 defendant, \$10.00 plus mileage.

20 (b) For personal service of an affidavit of account and  
21 statement, for each defendant, \$10.00 plus mileage.

22 (c) For a summons and affidavit in garnishment, for each  
23 garnishee and defendant, \$7.00 plus mileage.

24 (d) For seizure and delivery of goods in a case of claim and  
25 delivery, \$20.00 plus mileage, plus the actual and reasonable  
26 expense of taking, keeping, and delivering the goods.

1 (e) For receiving and filing a bond from or on behalf of a  
2 defendant in a case of claim and delivery, \$2.00.

3 (f) For an order to show cause, \$10.00 plus mileage.

4 (g) For a subpoena on discovery, \$10.00 plus mileage.

5 (h) For a writ, affidavit, and bond in a case of attachment,  
6 \$10.00 plus mileage.

7 (i) For the seizure of property in a case of attachment,  
8 \$20.00 plus mileage, plus the actual and reasonable expense for  
9 taking and keeping the property.

10 (j) For levy under a writ of execution, \$20.00 plus mileage,  
11 plus the actual and reasonable expense for taking, keeping, and  
12 sale, plus, if the judgment is satisfied prior to sale, 7% of the  
13 first \$1,000.00 in receipts and 3% of ANY receipts exceeding the  
14 first \$1,000.00.

15 (k) For sale on levy in a case of execution, 7% of the first  
16 \$1,000.00 in receipts and 3% of any receipts exceeding the first  
17 \$1,000.00.

18 (l) For each notice of sale on levy in the case of an execu-  
19 tion or mechanics lien posted in a public place in the city or  
20 township, \$10.00 plus mileage.

21 (m) For a writ for the restitution of premises, \$20.00 plus  
22 mileage, plus the actual and reasonable expense for moving prop-  
23 erty out of the premises.

24 (n) For a subpoena directed to a witness, including a judy,  
25 ment debtor, \$10.00 plus mileage.

1 (o) For a civil bench warrant or body execution, \$20.00 plus  
2 mileage, plus \$10.00 per hour for the amount of time, if any,  
3 involved in executing the warrant.

4 (2) Upon submitting a sworn affidavit, a person who serves  
5 process out of the circuit court, the probate court, the district  
6 court, or any municipal court ~~shall be~~ IS entitled to receive a  
7 \$10.00 fee for each process ~~which~~ THAT has an incorrect  
8 address. This fee ~~shall be~~ IS in addition to any fee to which  
9 the person is entitled under subsection (1).

10 (3) AS AN ALTERNATIVE TO A FEE SET FORTH IN SUBSECTION (1)  
11 OR (2), THE COUNTY BOARD OF COMMISSIONERS MAY SET A FEE AT OR  
12 BELOW THE COST OF PROVIDING THE SERVICE.

13 (4) ~~(3)~~ Mileage allowed under subsection (1) shall be the  
14 same rate per mile, each way, as the rate allowed by the state  
15 civil service commission for employees in the state classified  
16 civil service and shall be computed by the shortest distance from  
17 the place of service to the following location:

18 (a) For service out of ~~any~~ A court other than the district  
19 court, and within the same county, to the court.

20 (b) For service out of ~~any~~ A court other than the district  
21 court, but outside of the county in which the process originates,  
22 to the comparable court in that county.

23 (c) For service out of the district court and within the  
24 same district, to the court ~~which~~ THAT is the place of return.

25 (d) For service out of the district court, but outside of  
26 the district in which the process originates, to the place of the  
27 court in that district.

1       (5) ~~-(4)-~~ The fees allowed for the service of an execution  
 2 and for advertising in conjunction with an execution shall be  
 3 collected by virtue of the execution, in the same manner as the  
 4 sum directed to be levied in the execution. If there are several  
 5 executions against the defendant, at the time of the advertising  
 6 of the defendant's property, in the hands of the same sheriff or  
 7 other officer, there shall be only 1 advertising fee charged on  
 8 the whole, and the sheriff or other officer shall elect upon  
 9 which execution he or she will receive that fee.

10       (6) ~~-(5)-Any~~ A person who serves process out of the circuit  
 11 court, the probate court, the district court, or ~~any~~ A munici-  
 12 pal court and who demands or receives ~~any greater fees~~ A FEE or  
 13 compensation for performing any of the services mentioned in this  
 14 section GREATER than ~~as~~ THAT allowed by this section, ~~shall,~~  
 15 in addition to ~~all~~ other liabilities ~~now~~ provided by law,  
 16 ~~be~~ IS liable to the party injured, ~~for~~ BY paying the illegal  
 17 ~~fees, in~~ FEE OR COMPENSATION, FOR 3 times the amount so  
 18 demanded, received, or paid, together with all costs of the  
 19 action.

20       (7) ~~-(6)-Any~~ A sheriff or other officer who, after the fees  
 21 specified by this section have been tendered, neglects or refuses  
 22 any of the services required by law ~~shall be~~ IS liable to the  
 23 party injured for ~~all~~ damages ~~which~~ THAT the party sustains  
 24 by reason of that neglect or refusal.

25       Sec. 2567. (1) ~~Registers~~ A REGISTER of deeds ~~shall be~~  
 26 IS entitled to the following fees, which are not taxable as costs  
 27 except as indicated:



1 (a) For entering and recording ~~any~~ A deed, mortgage,  
 2 certified copy of an attachment, or other instrument, \$5.00 for  
 3 the first page and \$2.00 for each additional and succeeding  
 4 page. If a document assigns or discharges more than 1 instru-  
 5 ment, \$1.00 shall be added to the page price for each additional  
 6 instrument assigned or discharged. The fee shall be paid when  
 7 the deed, mortgage, certified copy of an attachment, or other  
 8 instrument is left for record.

9 (b) For copies of any records or papers, ~~when~~ IF required,  
 10 ~~\$1.00~~ \$2.00 per page, taxable as costs if otherwise allowed.

11 (c) For a seal to exemplification, ~~\$1.00~~ \$2.00.

12 (d) For searching the records and files in the office of the  
 13 register of deeds, ~~+0~~ 20 cents for each year for which searches  
 14 ~~shall be~~ ARE made, with a minimum FEE of ~~\$1.00~~ \$2.00.

15 (e) For recording every notice of the pendency of a suit,  
 16 and entering the same, \$5.00 for the first page and \$2.00 for  
 17 each additional ~~and succeeding~~ page.

18 (f) For filing every other paper, and making an entry  
 19 ~~thereof, when~~ OF IT, IF necessary, ~~\$1.00~~ \$2.00, unless other-  
 20 wise specifically provided for.

21 (g) For searching for every other paper, on request, ~~+0~~ 20  
 22 cents for each paper examined.

23 (2) ~~The definition of a page shall be~~ FOR THE PURPOSES OF  
 24 THIS SECTION, "PAGE" MEANS 1 side of a single sheet of paper not  
 25 exceeding 8-1/2 inches in width and 14 inches in length AND NOT  
 26 LESS THAN 13 (17 X 22--500) POUND WEIGHT on which the printed or  
 27 typed words ~~shall~~ ARE LEGIBLE AND not ~~be~~ smaller than 8-point

1 type. ~~which shall be legible and on paper of not less than 13~~  
2 ~~(17 X 22 500) pound weight.~~

3 (3) The county board of commissioners may reduce or elimi-  
4 nate the fees specified in subsection (1)(b), (d), or (g).

5 (4) A charter county may impose a fee schedule by ordinance  
6 with different amounts than the amounts prescribed by  
7 subsection (1). A charter county shall not impose a fee ~~which~~  
8 THAT is greater than the cost of the service for which the fee is  
9 charged.