

REVISED JUDICATURE ACT OF 1961 (EXCERPT)

Act 236 of 1961

CHAPTER 62

INSTALLMENT JUDGMENTS

600.6201 Order permitting payment of judgment in installments; showing.

Sec. 6201. (1) The judge of any court having civil jurisdiction at the time of the rendition of a judgment, upon proper showing made by the defendant with both parties or their attorneys present in court, may make a written order permitting the defendant to pay the judgment in installments, at such times and in such amounts as in the opinion of the judge, the defendant is able to pay.

(2) Any judge may make a written order permitting the defendant to pay any judgment previously rendered in or transcribed to his court in installments, upon compliance by the defendant with the provisions of this chapter and the rules of court.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1974, Act 297, Eff. Apr. 1, 1975.

600.6205 Payment of judgment in installments; notice; petition; affidavit; garnishment.

Sec. 6205. (1) At any time after the rendition of a judgment or the filing of a transcript of a judgment the defendant may file a petition with the clerk of the court in which the judgment was rendered, or transcript filed, requesting the clerk to issue a notice, directed to the plaintiff personally, or if plaintiff's action was filed by an agent or attorney or acted upon by an agent or attorney either at the time of the rendition of the judgment, or after, as shown by the court files in the cause, the notice may be directed to the plaintiff with the name of the agent or attorney designated, and served on the agent or attorney of record and have the same force and effect as a notice served on the plaintiff personally.

(2) The notice shall notify the plaintiff that on a certain day and time to be therein specified, the defendant will move the court for an order permitting the payment of the judgment in installments.

(3) The petition of the defendant shall be supported by the affidavit of the moving party setting forth his inability to pay the judgment with funds other than those earned by him as wages, and setting forth the name and address of his employer, the amount of the wages and the date of payment thereof.

(4) A garnishment shall not issue on the judgment after the filing of the petition herein mentioned excepting upon the written order of the judge or justice.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1974, Act 297, Eff. Apr. 1, 1975.

600.6211 Judgment; payment by installments; service of notice; hearing; garnishment.

Sec. 6211. (1) Such notice shall be served at least 4 days before the date set for hearing the motion, by placing the same in the United States mail in an envelope properly stamped and addressed to the plaintiff, his agent or attorney.

(2) Unless the motion is heard and ruled upon within 14 days from the time of filing the petition, subsection (4) of section 6205 shall not apply unless otherwise ordered by the court.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.6215 Cross-examination; order to pay; stay of garnishment.

Sec. 6215. (1) On the date set for the hearing, the plaintiff may cross-examine the moving party as to the facts set forth in the motion, and the judge may then enter an order requiring the defendant to pay to the clerk of the court or to the plaintiff direct, a certain sum of money weekly, biweekly, or monthly, to apply on the judgment.

(2) The order shall stay the issuance of any writ of garnishment for work and labor during the period that the defendant complies with the order. The order shall not stay garnishment if the defendant fails to comply with its terms.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1974, Act 297, Eff. Apr. 1, 1975.

600.6221 Altering amounts and times of installment payments.

Sec. 6221. The judge may, on motion of either party, following due notice to the other, alter the amounts and times of payment of the installments from time to time when he may deem it advisable and fair.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1974, Act 297, Eff. Apr. 1, 1975.

600.6225 Force and effect of agreement for payment of judgment in installments.

Sec. 6225. A written agreement for the payment of a judgment in installments, signed by the parties, their attorneys, or authorized agents of record in the judgment file in their behalf, and filed with the clerk of the

court, shall have the same force and effect as an order made by the judge.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1974, Act 297, Eff. Apr. 1, 1975.

600.6231 Garnishment without order prohibited and void; notice of order.

Sec. 6231. The garnishment of any money due or to become due for the personal work and labor of the defendant upon a judgment made payable in installments either by the court order or agreement of parties is prohibited, excepting upon the written order of the judge. Any writ of garnishment issued without the order is void. The order may be made following due notice to the defendant if installments are due.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1974, Act 297, Eff. Apr. 1, 1975.

600.6235 Judgment; payment by installments; statute of limitations.

Sec. 6235. The statute of limitations shall not run against a judgment during the time it is payable in installments as provided in this chapter.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.6241 Execution of powers and duties.

Sec. 6241. In any court having more than 1 judge, all powers granted and duties imposed by this chapter may be executed in accordance with the rules of said court.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1974, Act 297, Eff. Apr. 1, 1975.

600.6245 Judgment; payment by installments; collection of judgment; other methods.

Sec. 6245. Nothing contained in this chapter shall be construed to prohibit and shall not prohibit a plaintiff from taking any legal means for the collection of a judgment excepting the garnishment of money due or to become due the defendant for the personal work and labor of the said defendant.

History: 1961, Act 236, Eff. Jan. 1, 1963.

600.6251 Judgment; payment by installments; record; affidavit for transcript; contents.

Sec. 6251. Every proceeding instituted by a judgment debtor pursuant to this chapter shall appear upon and as part of the record of the judgment. No transcript of such judgment shall issue out of the court pending the hearing upon any motion instituted under this chapter. Every affidavit for a transcript of any judgment rendered by the court shall contain an averment by the affiant either that a stay order has issued and is in effect, or, that no proceeding under this chapter has been instituted upon the judgment, or, if a proceeding has been instituted, that a stay order was finally denied after a hearing pursuant to the provisions of this chapter, or, if a stay order has issued, that the order was vacated under the provisions of this chapter.

History: 1961, Act 236, Eff. Jan. 1, 1963.