

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.2813 Failure of judgment creditor to record discharge of judgment lien; liability; filing of affidavit by judgment debtor.

Sec. 2813. (1) A judgment creditor that has not recorded a discharge of judgment lien as required by section 2811 shall record the discharge within 14 days after receiving a written request from the judgment debtor by certified mail. A judgment creditor that fails to comply with this section is liable to the judgment debtor for \$300.00 plus all actual damages and costs sustained by the judgment debtor because of the failure.

(2) If a judgment debtor has paid a judgment in full or has made a partial payment from equity as described in section 2807(3), has sent a request under subsection (1), and is unable, after exercising due diligence, to locate the judgment creditor or the judgment creditor's attorney, the judgment debtor may record an affidavit that complies with this subsection with the register of deeds with whom the judgment lien is recorded. The judgment debtor shall state in the affidavit that the judgment debtor sent a request under subsection (1) to the judgment creditor or the judgment creditor's attorney and shall attach to the affidavit a copy of a written instrument that evidences payment of the judgment and a copy of the receipt for the certified mailing of the request. Recording the affidavit, written instrument, and receipt discharges the judgment lien completely or, if payment is made from the judgment debtor's equity as described in section 2807(3) and is not payment in full of the amount due on the lien, partially to the extent of the amount paid.

History: Add. 2004, Act 136, Eff. Sept. 1, 2004.