

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

600.2815 Person with same or similar name as judgment debtor.

Sec. 2815. (1) A person who has the same or a similar name as a judgment debtor may demand in writing that a judgment creditor that has recorded a judgment lien against the judgment debtor deliver to the person a recordable document that discharges the judgment lien as to property owned by the person. The demand shall be accompanied by reasonable proof that the person is not the judgment debtor and that the property is not subject to the judgment lien.

(2) Within 14 days after receipt of a demand that complies with subsection (1), the judgment creditor shall deliver to the person making the demand a recordable document that discharges the judgment lien as to the property of the person. A judgment creditor that improperly fails to comply with this subsection is liable to the person making the demand for all actual damages and costs sustained by the person because of the failure and is presumed to be liable for at least \$300.00.

(3) If a judgment creditor does not deliver a document as required by subsection (2), the person making the demand may move the court that entered the judgment for an order discharging the judgment lien. The motion shall be served on the judgment creditor. On presentation of evidence satisfactory to the court that the property is not subject to the judgment, the court shall order the judgment creditor to prepare and deliver a recordable discharge of the judgment lien or issue an order discharging the judgment lien. The court shall award reasonable attorney fees to a party that prevails on a motion under this section.

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