

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

600.2914 Discharge in bankruptcy; cancellation of judgment, procedure; notice to judgment creditor; judgments from other states; "judgment" defined; judgments under MCL 257.513.

Sec. 2914. After a bankrupt has been discharged from his debts pursuant to the federal laws relating to bankruptcy, the bankrupt, his receiver, his trustee, or any other interested person or corporation may apply to have a judgment debt canceled and discharged of record upon proof of the bankrupt's discharge. Application for equitable relief shall be made to the court in which the judgment was rendered against the bankrupt, or if it was rendered in a court not of record, application shall be made to the court in which it became a judgment by docketing. If it appears upon the hearing that he has been discharged from the payment of that judgment or the debt upon which that judgment was recovered, an order shall be made directing that the judgment be canceled and discharged of record. This order shall recite that the judgment is canceled and discharged because of the bankrupt's discharge in bankruptcy. The clerk of the court shall then discharge the judgment by marking on the docket that the judgment is canceled and discharged by order of the court because of the defendant's discharge in bankruptcy, and the clerk shall mark the date and entry of the order of discharge.

(1) Notice of the application, accompanied by copies of the papers on which it is based, must be served on the judgment creditor or his attorney of record in the judgment, if the residence or place of business of either the creditor or his attorney of record is known, at least 30 days prior to the date of the hearing of the application. Upon proof by affidavit that the residences and places of business of both are unknown and after due diligence cannot be ascertained or upon proof by affidavit that the creditor is not a resident of this state and his attorney is dead or removed from this state or cannot be found within this state, the judge of the court before which the application is pending may make an order that the notice of the application be published once a week for 3 successive weeks in the newspaper that he shall designate. This publication shown by affidavit of the publisher shall be sufficient service of the application upon the judgment creditor.

(2) No action or proceeding shall be prosecuted in any of the courts of this state to enforce any judgment rendered in any court of any other state of the United States which would be subject to cancellation and discharge under the provisions of this section had the judgment been rendered by a court of this state.

(3) The word judgment as used in this section is here defined to include any decree or order for the payment of money dischargeable pursuant to the federal law relating to bankruptcy.

(4) Nothing contained in this section shall be deemed to supersede or abrogate the provisions of section 513 of Act No. 300 of the Public Acts of 1949, as amended, being section 257.513 of the Compiled Laws of 1948.

History: 1961, Act 236, Eff. Jan. 1, 1963;—Am. 1962, Act 187, Imd. Eff. May 24, 1962.