

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

600.5074 Arbitrator; powers and duties; sworn statement listing party's place of employment, sources of income, and assets and liabilities; release.

Sec. 5074. (1) An arbitrator appointed under this chapter shall hear and make an award on each issue submitted for arbitration under the arbitration agreement subject to the provisions of the agreement.

(2) An arbitrator appointed under this chapter has all of the following powers and duties:

(a) To administer an oath or issue a subpoena as provided by court rule.

(b) To issue an order regarding discovery proceedings relative to the issues being arbitrated.

(c) Subject to provisions of the arbitration agreement, to issue an order allocating arbitration fees and expenses between the parties or to 1 party, including imposing a fee or expense on a party or attorney as a sanction.

(d) To issue an order requiring a party to produce specified information that the arbitrator considers relevant to, and helpful in resolving, an issue subject to the arbitration.

(3) If the arbitrator considers it relevant to an issue being arbitrated, the arbitrator may order the filing of sworn statements that identify each party's place of employment and other sources of income and that list the assets and liabilities of each party. The arbitrator shall not release the sworn statements required under this section until after all parties have filed those sworn statements. The arbitrator shall attempt to release the sworn statements to the opposite parties at approximately the same time.

(4) A sworn statement ordered under subsection (3) shall list at least all of the following assets:

(a) Real property.

(b) Checking and savings account balances, regardless of the form in which the money is held.

(c) Stocks and bonds.

(d) Income tax refunds due the parties.

(e) Life insurance, including cash value and amount payable at death.

(f) Loans held as a creditor or money owed to the parties in whatever form.

(g) Retirement funds and pension benefits.

(h) Professional licenses.

(i) Motor vehicles, boats, mobile homes, or any other type of vehicle including untitled vehicles.

(j) Extraordinary tools of a trade.

(k) Cemetery lots.

(l) Ownership interests in businesses.

(m) Limited partnerships.

(n) Other assets in whatever form.

(5) A sworn statement ordered under subsection (3) shall list at least all of the following liabilities:

(a) Secured and unsecured credits.

(b) Taxes.

(c) Rents and security deposits.

(d) All other liabilities in whatever form.

History: Add. 2000, Act 419, Eff. Mar. 28, 2001.