

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

600.5706 Venue.

Sec. 5706. (1) This section governs venue in all courts having jurisdiction over summary proceedings and is not jurisdictional.

(2) In districts where the district court is operative, the following are the proper places in which to commence and try summary proceedings:

(a) The county in which the premises or any part of the premises are situated, in districts of the first class.

(b) The district in which the premises or any part of the premises are situated, in districts of the second or third class.

(3) In districts where the district court is not operative, the municipal court of the city in which the premises or any part of the premises are situated is a proper court in which to commence and try summary proceedings. A municipal court having jurisdiction pursuant to section 9928 over a township in which the premises or any part of the premises are situated is a proper court in which to commence and try summary proceedings.

(4) Summary proceedings brought in a county, district, or court not designated as a proper county, district, or court may be tried in that county, district, or court, unless a defendant moves for a change of venue or the court upon its own motion orders a change of venue. The defendant's motion or the court's order shall be made within the time and in the manner provided by court rule and the court shall transfer such a proceeding to a proper county, district, or court on the condition that the plaintiff pay to the court to which the action is transferred an additional filing fee and on such other conditions relative to expense and costs as may be provided by court rule.

(5) On such grounds and conditions as may be provided by court rule, the venue of summary proceedings commenced in a proper county, district, or court may be changed to any other county, district, or court and the proceeding tried in that county, district, or court. The court to which any transfer is made pursuant to this subsection or subsection (4) has full jurisdiction of the proceeding as though the proceeding were originally commenced in that court.

History: Add. 1972, Act 120, Eff. July 1, 1972;—Am. 1980, Act 438, Eff. Sept. 1, 1981.

Compiler's note: Sections 2 and 4 of Act 438 of 1980 provide:

"Conditional effective date; action constituting exercise of option; effect of exercising option.

"Section 2. (1) This amendatory act shall not take effect unless the city of Detroit and the county of Wayne, by resolutions adopted not later than May 1, 1981, by the governing bodies of the city and the county, respectively, agree to assume responsibility for any expenses required of the city or the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect.

"(2) If the city of Detroit and the county of Wayne, acting through their governing bodies, agree to assume responsibility for any expenses required of the city and the county by this amendatory act, and the bills listed in enacting section 7 which are enacted and take effect, that action constitutes an exercise of the city's and the county's option to provide a new activity or service or to increase the level of activity or service offered in the city of Detroit and the county of Wayne beyond that required by existing law, as the elements of that option are defined by Act No. 101 of the Public Acts of 1979, being sections 21.231 to 21.244 of the Michigan Compiled Laws, and a voluntary acceptance by the city and the county of all expenses and capital improvements which may result from establishment of the district court in the thirty-sixth district and the reorganization of the circuit court in the third judicial circuit and the recorder's court of the city of Detroit. However, the exercise of the option does not affect the state's obligation to pay the same portion of each district or circuit judge's salary which is paid by the state to the other district or circuit judges, or to appropriate and disburse funds to the district control units, city, or county, for the necessary costs of state requirements established by a state law, other than this amendatory act or the bills listed in enacting section 7 which becomes effective on or after December 23, 1978."

The resolutions referred to in Section 2 were adopted by the city council of the city of Detroit on April 29, 1981, and by the board of commissioners of the county of Wayne on April 30, 1981.

"Effective date of certain sections.

"Section 4. Sections 304, 555, 563, 564, 567, 591, 592, 593, 594, 595, 641, 821, 1114, 1123, 1168, 1302, 1303, 1306, 1417, 1471, 1481, 5706, 8202, 8271, 8272, 8273, 8275, 8281, 8283, 8302, 8314, 8322, 8501, 8521, 8525, 8535, 8621, 9924, 9944, and 9947 shall take effect September 1, 1981."