



STATE OF MICHIGAN
17TH JUDICIAL CIRCUIT COURT

CHRISTOPHER P. YATES
CIRCUIT COURT JUDGE

SUITE 10200 B
180 OTTAWA AVENUE NW
GRAND RAPIDS, MICHIGAN 49503-2751

August 30, 2013

Clerk of the Court
Michigan Supreme Court
Post Office Box 30052
Lansing, Michigan 48909

Re: *ADM File No. 2012-30*

Dear Clerk of the Court:

The Michigan Supreme Court has published for comment proposed amendments to MCR 2.621 and MCR 2.622, which deal with the appointment of receivers in the post-judgment context. Although I am generally supportive of the proposed amendments, I am writing to express concern about one particular provision set forth in proposed Rule 2.622(C)(1) that would require the court to “defer to the petitioner’s nomination of receiver, except for good cause shown.” I believe that this provision runs contrary to the well-settled view in Michigan that a receiver serves as “a ministerial officer of the court[.]” See *Ypsilanti Fire Marshal v Kircher*, 273 Mich App 496, 528 (2007). Based upon the premise that a “receiver is not appointed as the agent of, or for the benefit of, one party or the other[.]” see *id.*, it seems anomalous to require the court to defer to either side’s nomination of a receiver. In this regard, I agree completely with the comments offered by Oakland County Circuit Court Judge Wendy Potts in her letter dated July 2, 2013, in opposition to the proposed amendment to MCR 2.622(C)(1).

I thank the Michigan Supreme Court for the opportunity to comment on the proposed rule changes in ADM File No. 2012-30.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Yates", written over a horizontal line.

Hon. Christopher P. Yates (P41017)
Kent County Circuit Court Judge