

# Order

Michigan Supreme Court  
Lansing, Michigan

October 22, 2014

Robert P. Young, Jr.,  
Chief Justice

ADM File No. 2014-12

Michael F. Cavanagh  
Stephen J. Markman

Proposed Amendment of Rule 3.211  
of the Michigan Court Rules

Mary Beth Kelly  
Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano,  
Justices

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On order of the Court, this is to advise that the Court is considering an amendment of Rule 3.211 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal or to suggest alternatives. The Court welcomes the views of all. This matter also will be considered at a public hearing. The notices and agendas for public hearings are posted at [Administrative Matters & Court Rules page](#).

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[Additions to the text are indicated in underlining and deleted text is shown by strikeover.]

## Rule 3.211 Judgments and Orders

- (A) Each separate subject in a judgment or order must be set forth in a separate paragraph that is prefaced by an appropriate heading.
- (B) A judgment of divorce, separate maintenance, or annulment must include
  - (1) the insurance and dower provisions required by MCL 552.101;
  - (2) a determination of the rights of the parties in pension, annuity, and retirement benefits, as required by MCL 552.101(4);
  - (3) a determination of the property rights of the parties, which may include under MCL 600.5070 et seq., the parties' stipulation for binding postjudgment arbitration of identified categories of personal property; and

- (4) a provision reserving or denying spousal support, if spousal support is not granted; a judgment silent with regard to spousal support reserves it.

(C)-(H)[Unchanged.]

*Staff Comment:* The proposed amendment of MCR 3.211 would provide language to allow the parties to stipulate (in their judgment of divorce, separate maintenance, or annulment) to postjudgment binding arbitration of identified personal property under MCL 600.5070 *et seq.*

The staff comment is not an authoritative construction by the Court.

A copy of this order will be given to the Secretary of the State Bar and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on the proposal may be sent to the Supreme Court Clerk in writing or electronically by February 1, 2015, at P.O. Box 30052, Lansing, MI 48909, or [ADMcomment@courts.mi.gov](mailto:ADMcomment@courts.mi.gov). When filing a comment, please refer to ADM File No. 2014-12. Your comments and the comments of others will be posted under the chapter affected by this proposal at [Proposed & Recently Adopted Orders on Admin Matters page](#).



I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 22, 2014

A handwritten signature in black ink, appearing to read "Larry S. Royster", is written over a horizontal line.

Clerk