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September 9, 2014

Anne Boomer
Administrative Counsel
Michigan Supreme Court
925 W Ottawa St
PO Box 30048
Lansing, MI 48909

Dear Ms. Boomer,

At the June 20, 2014 meeting of the Michigan District Judges Association, the Board of Directors reviewed and adopted the positions stated in reference to the Proposed Amendments listed below.

ADM/File No. 2013-22. Proposed Amendment to MCR 4.201. The proposed amendment would apply the procedure for setting aside a default judgment, as set forth in MCR 2.603, to a default money judgment in a landlord/tenant case. The proposed rule would allow a tenant 21 days, rather than the currently allowed 10 days, to file a motion to set aside a default judgment in a Landlord/Tenant case, but only in reference to the money judgment portion of the Judgment. All other allowable appeals or motions, in reference to a Landlord/Tenant case, would be subject to the 10 day appeal period currently allowed under the court rules. The Michigan District Judges' Association objects to this to this proposed amendment. A money judgment in a landlord/tenant case is granted only if the plaintiff has obtained personal service on the defendant, thereby insuring that

proper notice has been received. The proposed change to the current rule would, if adopted, create two different appeal periods in reference to a single judgment. Such an amendment would only serve to create unnecessary confusion and would also necessitate the modification of all the current forms.

ADM File NO. 2013-27. This proposal, submitted by the State Bar of Michigan Representative Assembly, would add explicit language allowing parties to be added to a counterclaim or cross-claim, and would require that a court clerk issue a summons for those added parties. MDJA objects to this proposed amendment. This proposal would allow parties to be added and would mandate the court clerk to issue a summons for each new party without any time limits and without any court review.

We thank the Court for considering our positions in reference to these matters. Please do not hesitate to contact Michigan District Judges Association if you need any further assistance or information.

Very truly yours,

Hon. Brian Oakley, President
Michigan District Judges Association

cc: Hon. Robert Young, Chief Justice Michigan Supreme Court
Larry Royster, Chief of Staff/Clerk of Court Michigan Supreme Court