CHAPTER 4. DISTRICT COURT

MICHIGAN COURT RULES OF 1985

Subchapter 4.000 General Provisions

Rule 4.001 Applicability

The rules in this chapter apply to the specific types of proceedings within the jurisdiction of the district and municipal courts. Except as otherwise provided in this chapter, proceedings under this chapter are governed by Michigan Court Rules.

Rule 4.002 Transfer of Actions From District Court to Circuit Court

(A) Counterclaim or Cross-Claim in Excess of Jurisdiction.

(1) If a defendant asserts a counterclaim or cross-claim seeking relief of an amount or nature beyond the jurisdiction or power of the district court in which the action is pending, and accompanies the notice of the claim with an affidavit stating that the defendant is justly entitled to the relief demanded, the clerk shall record the pleading and affidavit and present them to the judge to whom the action is assigned. The judge shall either order the action transferred to the circuit court to which appeal of the action would ordinarily lie or inform the defendant that transfer will not be ordered without a motion and notice to the other parties.

(2) MCR 4.201(G)(2) and 4.202(I)(4) govern transfer of summary proceedings to recover possession of premises.

(B) Change in Conditions.

(1) A party may, at any time, file a motion with the district court in which an action is pending, requesting that the action be transferred to circuit court. The motion must be supported by an affidavit stating that

(a) due to a change in condition or circumstance, or

(b) due to facts not known by the party at the time the action was commenced, the party wishes to seek relief of an amount or nature that is beyond the jurisdiction or power of the court to grant.

(2) If the district court finds that the party filing the motion may be entitled to the relief the party now seeks to claim and that the delay in making the claim is excusable, the court shall order the action transferred to the circuit court to which an appeal of the action would ordinarily lie.

(C) Conditions Precedent to Transfer. The action may not be transferred under this rule until the party seeking transfer pays to the opposing parties the costs they have reasonably incurred up to that time that would not have been incurred if the action had originally been brought in circuit court, and pays the statutory circuit court filling fee to the clerk of the court from which the action is to be transferred. If a case is entirely transferred from district court to circuit court and the jury fee was

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KJ Lindholm-Leary

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is updated through January 31 2021 Included are the rules of civil procedure criminal procedure probate procedure appellate procedure and more Contents Chapter 1 General Provisions Chapter 2 Civil Procedure Chapter 3 Special Proceedings and Actions Chapter 4 District Court Chapter 5 Probate Court Chapter 6 Criminal Procedure Chapter 7 Appellate Rules Chapter 8 Administrative Rules of Court Chapter 9 Professional Disciplinary Proceedings Michigan Court Rules Practice Michigan. Supreme Court, Ronald S. Longhofer, Daniel D. Quick, 2018 Michigan Court Rules; 2020 Edition Michigan Legal Publishing Ltd., 2020-02 This edition of the full Michigan Court Rules is updated through January 1 2020 Included are the rules of civil procedure criminal procedure probate procedure appellate procedure and more Full contents are listed below Chapter 1 General Provisions Chapter 2 Civil Procedure Chapter 3 Special Proceedings and Actions Chapter 4 District Court Chapter 5 Probate Court Chapter 6 Criminal Procedure Chapter 7 Appellate Rules Chapter 8 Administrative Rules of Court Chapter 9 Professional Disciplinary Proceedings Michigan Court Rules, Annotated Michigan. Circuit Courts, Michigan. ... Michigan Court Rules, Annotated Michigan. Supreme Court, 1930 Supreme Court, 1962 Michigan Court Rules Michigan Court Rules; 2019 Edition Michigan Legal Publishing Ltd., 2019-01-30 Michigan, 1978 Includes amendments This edition of the full Michigan Court Rules is updated through January 1 2019 Included are the rules of civil procedure criminal procedure probate procedure appellate procedure and more Full contents are listed below Chapter 1 General Provisions Chapter 2 Civil Procedure Chapter 3 Special Proceedings and Actions Chapter 4 District Court Chapter 5 Probate Court Chapter 6 Criminal Procedure Chapter 7 Appellate Rules Chapter 8 Administrative Rules of Court Chapter 9 Professional Disciplinary Proceedings Michigan Court Rules, Annotated Jason L. Honigman, Carl S. Hawkins, 1962 Michigan Court Rules, Annotated Michigan, 1962 Michigan Court Rules, Annotated Michigan. Courts, 1930 Michigan Court Rules; 2015 Edition Michigan Legal Michigan Legal Publishing Ltd., 2015-01-01 This edition of the full Michigan Court Rules is updated through January 1 2015 Included are the rules of civil procedure criminal procedure probate procedure appellate procedure and more Full contents are listed below Chapter 1 General Provisions Chapter 2 Civil Procedure Chapter 3 Special Proceedings and Actions Chapter 4 District Court Chapter 5 Probate Court Chapter 6 Criminal Procedure Chapter 7 Appellate Rules Chapter 8 Administrative Rules of Court Chapter 9 Professional Disciplinary Michigan Court Rules, 1974 Michigan. Courts, 1974 Proceedings Michigan Court Rules Kelly Stephen Searl, William C. Searl, Michigan. Courts, 2014-02 This is a reproduction of a book published before 1923 This book may have occasional imperfections such as missing or blurred pages poor pictures errant marks etc that were either part of the original artifact or

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 - ∘ Chapter 5: Conclusion
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