

## **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 filing 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

# Michigan Court Manual

**Puja Mehta**



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**Michigan Court Rules** Michigan. Courts,1969      **Michigan Court Rules** Michigan. Courts,1963      **Michigan Court Rules, Annotated** Kelly Stephen Searl,1916      Michigan Court Rules Kelly Stephen Searl,William C. Searl,1922  
Michigan Court Rules; 2021 Edition Michigan Legal Publishing Ltd,2021-03 This edition of the full Michigan Court Rules 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. Supreme Court,1962      ... **Michigan Court Rules, Annotated** Michigan. Supreme Court,1930      *Michigan Court Rules* Michigan,1978 Includes amendments      **Michigan Court Rules; 2019 Edition** Michigan Legal Publishing Ltd.,2019-01-30 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  
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