

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.3402 Definitions.

Sec. 3402.

As used in this chapter:

- (a) "Ascendant" means an individual who precedes another individual in lineage, in the direct line of ascent from the other individual.
- (b) "Collateral" means an individual who is related to another individual under the law of intestate succession of this state but who is not the other individual's ascendant or descendant.
- (c) "Descendant" means an individual who follows another individual in lineage, in the direct line of descent from the other individual.
- (d) "Determination of value" means a court order determining the fair market value of heirs property under section 3406 or 3410 or adopting the valuation of the property agreed to by all cotenants.
- (e) "Heirs property" means real property held in tenancy in common that satisfies all of the following requirements at the filing of an action to partition real property:
 - (i) There is no agreement in a record binding all the cotenants that governs the partition of the property.
 - (ii) One or more of the cotenants acquired title from a relative, whether living or deceased.
 - (iii) Any of the following apply:
 - (A) Twenty percent or more of the interests are held by cotenants who are relatives.
 - (B) Twenty percent or more of the interests are held by an individual who acquired title from a relative, whether living or deceased.
 - (C) Twenty percent or more of the cotenants are relatives.
- (f) "Partition by sale" means a court-ordered sale of the entire heirs property, whether by auction, sealed bids, or open-market sale conducted under section 3410.
- (g) "Partition in kind" means the division of heirs property into physically distinct and separately titled parcels.
- (h) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
- (i) "Relative" means an ascendant, descendant, or collateral or an individual otherwise related to another individual by blood, marriage, adoption, or law of this state other than this chapter.

History: Add. 2024, Act 215, Eff. Apr. 2, 2025