

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

600.3825 Order of abatement; execution of court order; duties of officer; use of building or place ordered closed; contempt; determination of amount due victim.

Sec. 3825.

(1) If the existence of the nuisance is established in an action under this chapter, the court shall enter an order of abatement as a part of the judgment in the action. The order of abatement may order all of the following:

- (a) The removal from the building or place of all furniture, fixtures, and contents.
- (b) The sale of the furniture, fixtures, and contents in the manner provided for the sale of goods under execution.
- (c) The effectual closing of the building or place against its use for any purpose, and so keeping it closed for a period of 1 year, unless sooner released as provided in this chapter.

(d) Any other equitable relief the court considers necessary.

(2) Any vehicle, boat, or aircraft found by the court to be a nuisance under this chapter is subject to the same order and judgment as any furniture, fixtures, and contents under subsection (1).

(3) On the sale of any furniture, fixtures, contents, vehicle, boat, or aircraft as provided in this section, the officer executing the order of the court shall do the following in the following order:

(a) Deduct the expenses of keeping the property and the costs of the sale.

(b) Pay all secured interests and liens according to their priorities as established by intervention or otherwise at the hearing or in other proceedings brought for that purpose as being bona fide and as having been created without the secured party or lien holder having any notice that the property was being used or was to be used for the maintenance of a nuisance as described in section 3801.

(c) Subject to subsection (5), pay the costs incurred in the prosecution of the action, including reasonable attorney fees for services necessitated as determined by the court.

(d) Subject to subsection (5), pay the balance to the state treasurer to be credited to the general fund of this state.

(4) If any person uses a building or place ordered to be closed under this section with knowledge that the building or place is closed by order of the court, the person is subject to punishment for contempt as provided in section 3820.

(5) If the court in an action under this chapter declares property to be a nuisance under section 3801(1)(f), the officer executing the order of the court shall first pay from the proceeds any amount determined by the court to be due to the victim. If there is any balance remaining, the officer shall pay the costs of prosecution as provided in subsection (3). For purposes of determining the amount due to a victim under this subsection, the court shall consider the loss suffered by the victim as a proximate result of the conduct and may use as guidance the items of loss enumerated in section 16b of the William Van Regenmorter crime victim's rights act, 1985 PA 87, MCL 780.766b.

History: 1961, Act 236, Eff. Jan. 1, 1963 ;-- Am. 2014, Act 387, Eff. Mar. 18, 2015