

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

600.6071 Contribution among several judgment debtors; order of contribution; enforcement; lien of original judgment; affidavit; recording.

Sec. 6071.

(1) When lands and tenements, in the hands of several persons, are liable to satisfy any judgment, and the whole of such judgment, or more than a due proportion thereof, is levied upon the lands of 1 or more of such persons, the persons so aggrieved, or their personal representatives, may compel a just and equal contribution by all the persons whose lands and tenements ought to contribute to the satisfaction of such judgment.

(2) Such lands and tenements are liable to contribution in the following order:

(a) If they were conveyed by the defendant in the execution, they are liable in succession, commencing with the lands last conveyed;

(b) If they were sold under execution against the defendant, they are also liable in succession, commencing with the lands sold under the last and youngest judgment;

(c) If there be lands so liable, which were conveyed by the defendant in the execution and also lands which have been sold under execution against such defendant, they are respectively liable in succession, according to the order hereinbefore prescribed.

(3) If a complaint is filed to enforce such contribution, the person aggrieved shall be entitled to use the original judgment, and by virtue thereof, to pay the amount which ought to be contributed by the lands and tenements subject to such judgment; and for that purpose, such judgment shall remain a lien and charge upon such lands and tenements, for the term of 5 years after a certified copy thereof shall have been filed and entered in the office of the register of deeds in the county where the lands are situated, to the extent of the sum which ought to be so contributed, notwithstanding such sum or any part thereof, may have been paid by the party seeking such contribution.

(4) But such original judgment does not remain a lien upon any lands, nor are they subject to an execution as herein provided, unless the person aggrieved files for record an affidavit with the register of deeds in whose office a certified copy of such judgment has been recorded, stating the sum paid, and his claim to use such judgment for the reimbursement thereof, or of some portion of the same.

(5) The register of deeds shall record such affidavit and make an entry in the margin of the entry of the certified copy of such judgment, stating the sum so paid, and that such judgment is claimed to be a lien to that amount.

History: 1961, Act 236, Eff. Jan. 1, 1963