

RULE 3.607 PROCEEDINGS TO RESTORE LOST RECORDS OR PAPERS IN COURTS OF RECORD

(A) Application for Order. When a record or paper relating to an action or proceeding pending or determined in a Michigan court of record is lost, a person having an interest in its recovery may apply to the court having jurisdiction of the action or the record for an order that a duplicate of the lost record or paper be prepared and filed in the court.

(B) Manner of Proceeding; Notice to Interested Parties. The party making the application must show to the satisfaction of the court that the record or paper once existed and has been lost, without the fault or connivance, directly or indirectly, of the applicant. On that showing, the court shall direct the manner of proceeding to replace the lost item, and the notice to be given to parties interested in the application.

(C) Witnesses; Interrogatories. The court before which the application is pending may issue subpoenas for and compel the attendance of witnesses, or may compel witnesses to submit to examination on interrogatories and to establish facts relevant to the proceeding.

(D) Order; Effect of Duplicate. If the court is satisfied that the record or paper proposed as a substitute for the lost one exhibits all the material facts of the original, the court shall enter an order providing that the substitute record or paper be filed or recorded with the officer who had custody of the original. During the continuance of the loss, the substituted record or paper has the same effect in all respects and in all places as the original.