

Form DC 100c

NOTICE TO QUIT TO RECOVER POSSESSION OF PROPERTY

Use this form to give notice to a tenant when you want to start eviction proceedings against a tenant to recover possession of real property. If terminating tenancy of a mobile home owner in a mobile home park, use form DC 100d. If terminating tenancy for unlawful drug activity on the rental property, use form DC 100e.

NOTICE CHECKLIST

Use the following checklist to make sure you have done all the steps that are needed.

DID YOU . . .

1. Read all the information in the Self-Help Center at http://courts.michigan.gov/scao/selfhelp/landlord/evicttt_help.htm? YES
2. Complete the notice form? YES
3. Sign the notice form? YES
4. Deliver the "Tenant's copy" of the notice to the tenant? YES
5. Keep the "Court copy" of the notice for yourself? YES

If you cannot answer "yes" to all the above steps, you may have problems in your court case if you file a complaint with the court to evict the tenant.

If you have questions about any step in the process, refer to page 3 of this booklet for details and review the information in the Self-Help Center at http://courts.michigan.gov/scao/selfhelp/landlord/evicttt_help.htm.

INSTRUCTIONS FOR USING FORM DC 100c COMPLETING AND DELIVERING A NOTICE TO QUIT

»» DEFINITION

Notice to Quit to Recover Possession of Property

A "notice to quit" is a notice given to a tenant to do some required act or to surrender and vacate the rental property by a certain date. This particular notice to quit is used when the landlord wants to recover possession of real property.

»» PREPARING THE NOTICE

Complete the form using the instructions on page 4.

»» GETTING NOTICE TO THE TENANT

1. Serving (Delivering) the Notice

You must "serve" the "Tenant's copy" of the demand for possession on the tenant. This can be done in one of three ways.

- delivering it personally to the tenant,
- delivering it on the premises to a member of the tenant's family or household, or an employee of the tenant, who is capable of understanding your instruction to deliver it to the tenant, with a request that it be delivered to the tenant, or
- sending it first-class mail addressed to the tenant at his or her last known address.

Some examples of improper service are slipping the demand under the tenant's door, leaving the demand outside the tenant's door, attaching the demand to the property, or mailing the demand by methods that require a signature.

2. Complete the Certificate of Service

Complete the Certificate of Service on the "Court copy" of the notice to quit using the instructions on page 4. This copy is for your records. Keep it in a safe place because you may need it later if you have to file a complaint for eviction with the court.

INSTRUCTIONS FOR COMPLETING "NOTICE TO QUIT TO RECOVER POSSESSION OF PROPERTY"

Please print neatly. After filling in the form, you will need to print both copies of the form.

Items A through F must be completed before delivering your notice to the tenant. Please read the instruction for each item. Then fill in the correct information for that item on the form.

- A** Write in the name of the tenant and the address where you will be delivering the notice. This address may be where the tenant lives or does business and it may be different than the address of the rental property.
- B** Write your name in the line that says "Name (type or print)."
- C** Check the appropriate box in item 1. If the "other" box is checked, explain the reason for wanting to recover possession of the property.
- D** Write in the box the complete address or a complete description of the rental property if different than the mailing address in **A** above. If this address is the same as the mailing address, write in the box "Same as mailing address."
- E** Write in the date the tenant must move by.
- F** Write in the date, sign your name, and write in your address and telephone number.

Deliver the Tenant's copy to the tenant.

Read page 3 of this packet for details on delivering this notice to the tenant.

- G** On the date you deliver the notice, write in the date. Write in the name of the person to whom you delivered the notice. Check the box in front of the statement that best describes how you delivered the notice. Sign your name.

**You should read this booklet and the information on the Self-Help Center
at http://courts.michigan.gov/scao/selfhelp/landlord/evictht_help.htm
for directions on the legal process.**

STATE OF MICHIGAN	NOTICE TO QUIT TO RECOVER POSSESSION OF PROPERTY Landlord-Tenant	
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(A)

TO: _____

(B)

1. Your landlord/landlady, _____, is seeking to recover possession of property pursuant to
Name (type or print)

(C) MCL 554.134(1) or (3) (see other side) other: _____ and wants to evict you from:

(D)

Address or description of premises rented (if different from mailing address):

(E) 2. You must move by _____ or your landlord/landlady may take you to court to evict you.
Date (*see note)

3. If your landlord/landlady takes you to court to evict you, you will have the opportunity to present reasons why you believe you should not be evicted.

4. If you believe you have a good reason why you should not be evicted, you may have a lawyer advise you. Call him or her soon.

(F) _____
Date

Signature of owner of premises or agent

Address

City, state, zip Telephone no.

*NOTE: Except for a 7-day notice given under the authority of MCL 600.5714(1)(e) or a 90-day notice given under the authority of Public Law No. 111-22, § 702; 123 Stat 1660 after foreclosure of the premises, if the lease agreement does not state otherwise, the landlord/landlady must give notice equal in time to at least one rental period.

CERTIFICATE OF SERVICE

(G)

I certify that on _____ I served this notice on _____
Date Name

- by delivering it personally to the person in possession.
- delivering it on the premises to a member of his/her family or household or an employee of suitable age and discretion with a request that it be delivered to the person in possession.
- first-class mail addressed to the person in possession.

Signature

STATE OF MICHIGAN	NOTICE TO QUIT TO RECOVER POSSESSION OF PROPERTY Landlord-Tenant	
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TO: _____

1. Your landlord/landlady, _____, is seeking to recover possession of property pursuant to
Name (type or print)

MCL 554.134(1) or (3) (see other side) other: _____ and wants to evict you from:

Address or description of premises rented (if different from mailing address):

2. You must move by _____ or your landlord/landlady may take you to court to evict you.
Date (*see note)

3. If your landlord/landlady takes you to court to evict you, you will have the opportunity to present reasons why you believe you should not be evicted.

4. If you believe you have a good reason why you should not be evicted, you may have a lawyer advise you. Call him or her soon.

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Signature of owner of premises or agent

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*NOTE: Except for a 7-day notice given under the authority of MCL 600.5714(1)(e) or a 90-day notice given under the authority of Public Law No. 111-22, § 702; 123 Stat 1660 after foreclosure of the premises, if the lease agreement does not state otherwise, the landlord/landlady must give notice equal in time to at least one rental period.

HOW TO GET LEGAL HELP

1. Call your own lawyer.
2. If you do not have an attorney but have money to retain one, you may locate an attorney through the State Bar of Michigan Lawyer Referral Service at 1-800-968-0738 or through a local lawyer referral service. Lawyer referral services should be listed in the yellow pages of your telephone directory or you can find a local lawyer referral service at www.michbar.org.
3. If you do not have an attorney and cannot pay for legal help, you may qualify for assistance through a local legal aid office. Legal aid offices should be listed in the yellow pages of your telephone directory or you can find a local legal aid office at www.michiganlegalaid.org. If you do not have Internet access at home, you can access the Internet at your local library.

554.134 Termination of estate at will or by sufferance or tenancy from year to year.

(1) Except as provided otherwise in this section, an estate at will or by sufferance may be terminated by either party by giving 1 month's notice to the other party. If the rent reserved in a lease is payable at periods of less than 3 months, the time of notice is sufficient if it is equal to the interval between the times of payment. Notice is not void because it states a day for the termination of the tenancy that does not correspond to the conclusion or commencement of a rental period. The notice terminates the tenancy at the end of a period equal in length to the interval between times of payment.

(3) A tenancy from year to year may be terminated by either party by a notice to quit, given at any time to the other party. The notice shall terminate the lease at the expiration of 1 year from the time of the service of the notice.