Recover Possession of Property

(DC 100c, DC 104, DC 102c, DC 105, DC 107)

When to Use:	• You want to recover possession of real property; and		
	The tenant has breached the lease; or		
	• The lease has expired; or		
	For all other situations.		
Filing Fees:	Possession Only - \$55		
5	Possession + Money Judgment - \$45 + additional fee		
Method of Payment:	Cash		
•	Credit Card		
	• Money Order payable to: <i>58th District Court</i>		
Where to File:	Grand Haven Hudsonville		
	414 Washington 3100 Port Sheldon Rd.		
	Grand Haven, MI 49417 Hudsonville, MI 49426		
	Holland		
	85 West 8 th St.		
	Holland, MI 49423		
Copies:	None		
Additional Information:	You case must be started in the county where the property is		
	located. Additionally, you must look at the property's zip		
	code to determine where to file (see below).		
	Holland: 49422, 49423, 49424, 49464, 49460		
	Hudsonville: 49426, 49404, 49401, 49403, 49428,		
	49427, 49544, 49435		
	Grand Haven: 49417, 49409, 49456, 49448		
	Provide the court with at least 2 stamped envelopes. Address		
	one envelope to yourself and one to each tenant. If you do		
	not provide stamped envelopes, the court will charge you an		
	additional \$1.00 per party for the cost of mailing. Stamped		
	envelopes are available for purchase in the Legal Self-Help		
	envelopes are available for purchase in the Legal Sen-help		

Use this packet	RECOVER POSSESSION OF PROPERTY Use this packet if the tenant has breached the lease, the lease has expired, or for all other situations.
Notice Required before a case can be brought to court	Tenant Moves No court action required
 Complete Notice to Curr to Accover Possession of Property (2 pages) Personally hand deliver or send via first class mail to each tenant Time to wait is equal to tenant's rental 	Tenant Does Not Move File the following with the Court*: • Summons (2 pages) • Complaint to Recover Possession of Property
 period (usually 30 days) Hold on to this form. This will be filed with the summons and complaint only if a case is started 	•••
ין מינטר זי זימיניני.	
	Filing and Service
Supplemental Money Judgment Additional Fees	<u>Filing Fees</u> Possession Only - \$55 Possession + Money Judgment - \$45 + additional fee (see chart)
Up to \$600 = \$45 \$600 - \$1750 = \$65 \$1751 - \$10,000 = \$85 Over \$10,000 = \$170	<u>Service</u> Provide the court self-addressed envelopes with sufficient postage (1 self-addressed to you + 1 addressed to each tenant). If you do not provide this, the court will charge you an additional \$1.00 per party for the
	cost of mailing. The court will mail papers and forward your forms to a process server to complete service. The process server will then bill you for the service fees .
	 Attend hearing (10-14 days from date of filing) – bring Judgment form with you to the hearing. If a Default Judgment is entered, tenant has 10 days to vacate premises.
	 If tenant does not vacate, file Application and Order of Eviction and pay \$15 filing fee. The Order of Eviction must be served by an Ottawa County court officer. You are responsible for paying the additional service fees.
* Case must be started in the county where the property is located.	ere the property is located.

* Case must be started in the county where the property is located. Legal Self-Help Center, 414 Washington Ave., Rm. 220, Grand Haven, MI 49417

3/16

STATE OF MICHIGAN	NOTICE TO QUIT TO RECOVER POSSESSION OF PROPERTY Landlord-Tenant	
À		
то:		
B		
1. Your landlord/landlady,	pe or print)	over possession of property pursuant to
(C) _ MCL 554.134(1) or (3) (see c		and wants to evict you from:
D Address or description of premises	rented (if different from mailing address):	
(E) 2. You must move by $\frac{1}{\text{Date (*see no)}}$	or your landlord/lar	ndlady may take you to court to evict you.
should not be evicted.	you to court to evict you, you will have the opportunity eason why you should not be evicted, you may have a	
(F) Date		
Signature of owner of premises or agen	t	
Address		
City, state, zip	Telephone no.	
*NOTE: Unless otherwise allowed I	by law, the landlord/landlady must give notice equal in ti	me to at least one rental period.
G	CERTIFICATE OF SERVICE	
I certify that on	I served this notice on Name	
delivering it on the premis with a request that it be d	the person in possession. ses to a member of his/her family or household or an elivered to the person in possession. d to the person in possession.	employee of suitable age and discretion
	Signature	

Court copy (to be copied, if necessary, to attach to the complaint)

STATE OF MICHIGAN	NOTICE TO QUIT TO RECOVER POSSESSION OF PROPERTY Landlord-Tenant	
TO:		
	or print)	ver possession of property pursuant to
Address or description of premises rer		and wants to evict you from:
2. You must move by	or your landlord/land	dlady may take you to court to evict you.
	u to court to evict you, you will have the opportunity t	o present reasons why you believe you
4. If you believe you have a good rea	son why you should not be evicted, you may have a l	awyer advise you. Call him or her soon.
Date		
Signature of owner of premises or agent		
Address		
City, state, zip	Telephone no.	
*NOTE: Unless otherwise allowed by	law, the landlord/landlady must give notice equal in tim	ne 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 <u>www.michbar.org</u>.
- 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 <u>www.michiganlegalhelp.org</u>. If you do not have Internet access at home, you can access the Internet at your local library.

Approved, SCAO	Original - Court 1st copy - Tenant 2nd copy - Mailing	3rd copy - Landlord/Landlady 4th copy - Proof of service
STATE OF MICHIGAN JUDICIAL DISTRICT	SUMMONS Landlord-Tenant/Land Contract	CASE NO.
Court address		Court telephone no.
Plaintiff's name, address, and telephor	ne no. Plaintiff's attor	ney, bar no., address, and telephone no.
V Defendant's name, address, and telep	bhone no. because of a d interpreter to h please contact	epecial accommodations to use the court isability or if you require a foreign language elp you fully participate in court proceedings, the court immediately to make arrangements. unit eviction ntract forfeiture
NOTICE TO THE DEFENDANT: In the 1. The plaintiff has filed a complaint aga Address or description of premises		sion, after land contract forfeiture, of
2. You are summoned to be in the distric	ct court on	at
\Box at the address above, \Box at		at Time , courtroom
 You have the right to a jury trial. If you you will lose this right. If you are in district court on time, you Bring witnesses, receipts, and other r 	i do not demand a jury trial and pay the requir I will have an opportunity to give the reasons	why you feel you should not be evicted.
Date Issued	Court clerk	
*The certificate of mailing applies to landlord-te	-	s document must be sealed by the seal of the court.
	CERTIFICATE OF MAILING BY COURT* <i>y</i> of this summons and the complaint and req hown addresses as defined in MCR 2.107(C)	
Date	Court clerk/officer	
I certify that on this date I served a copy	CERTIFICATE OF MAILING BY PLAINTIFF of this summons and the complaint and req nown addresses as defined in MCR 2.107(C	uired attachments on the defendant(s) by

Plaintiff signature

Approved, SCAO	Original - Court 1st copy - Tenant 2nd copy - Mailing	3rd copy - Landlord/Landlady 4th copy - Proof of service
STATE OF MICHIGAN JUDICIAL DISTRICT	SUMMONS Landlord-Tenant/Land Contract	CASE NO.
Court address		Court telephone no.
Plaintiff's name, address, and telep	hone no. Plaintiff's attorn	ey, bar no., address, and telephone no.
V		
Defendant's name, address, and te	lephone no.	
	🗌 Rental ur	nit eviction
	Land con	tract forfeiture
1. The plaintiff has filed a complaint an Address or description of premises	gainst you and wants	
2. You are summoned to be in the dis	trict court on Day and date	at
\Box at the address above, \Box at		. courtroom
you will lose this right.4. If you are in district court on time, y Bring witnesses, receipts, and othe	ou do not demand a jury trial and pay the require rou will have an opportunity to give the reasons	ed jury fee in your first defense response, why you feel you should not be evicted.
Date Issued	Court clerk	
	This HOW TO GET HELP	document must be sealed by the seal of the court.
	document from a court. Your landlord is trying landlord money. It is important to respond to thi	

You may hire an attorney to help you answer the complaint and prepare defenses. If you cannot afford an attorney, you can get help at MichiganLegalHelp.org or you might qualify for assistance through a local legal aid office. If you do not have Internet access at home, you can access the Internet at your local library.

If you do not have an attorney, but have money to hire one, you can find an attorney through the State Bar of Michigan Lawyer Referral Service at 1-800-968-0738 or a local lawyer referral service at michbar.org.

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

DC 104 (6/17) SUMMONS, LANDLORD-TENANT/LAND CONTRACT

PROOF OF SERVICE

SUMMONS Landlord-Tenant/Land Contract Case No.

TO PROCESS SERVER: You are to serve the summons, complaint, and attachment(s) as instructed. You must make and file your proof of service with the court clerk. If you are unable to complete service, you must return this original and all copies to the court clerk.

CERTIFI	CATE / AFFIDAVIT OF	SERVICE / NONSERVICE	
OFFICER CERTIFICAT I certify that I am a sheriff, deputy sheriff, to court officer, or attorney for a party (MCR 2 that: (notarization not required)	bailiff, appointed	AFFIDAVIT OF PR Being first duly sworn, I state the adult who is not a party or an of and that: (notarization required)	at I am a legally competent
PERSONAL SERVICE I have personal	ally served a copy of the	summons. complaint. and attach	ments on the defendant(s):
Defendant's name	Complete address of service		Day, date, time
Defendant's name	Complete address of service		Day, date, time
SUBSTITUTED SERVICE (As to res	idential premises only.)	Not being able to find the follow	ving named defendant(s),
Name(s)			,
ona	t at	service	
		d attachments at the current resid	lence of defendant(s) with
Name		e relationship	
suitable age. I explained the contents a		•	
		have been unable to find and ser	
made the following efforts at personal/s	ubstituted service:		
SERVICE BY ATTACHMENT (Landle	ord-Tenant cases only.)	I attached the pleadings on	<u></u>
to the main entrance of the tenant's dw	elling unit in a secure m		
	-		
I declare that the statements above are tru	te to the best of my into	mation, knowledge, and belief.	
Service fee Miles traveled Fee \$	Si	gnature	
Incorrect address fee Miles traveled Fee \$ \$ \$	\$	ame (type or print)	
Subscribed and sworn to before me on $\frac{1}{Da}$			County, Michigan.
My commission expires:	Signature	:	
Notary public, State of Michigan, County of	of	Deputy clerk/Notary public	
	ACKNOWLEDGMEN		
I acknowledge that I have received service	e of the summons, comp	plaint, and attachment(s) on	·
Signature:	On beha		

Aр	proved,	SCAO
1 YP	p. o . o .,	00,10

STATE OF MICHIGAN (\mathbf{A}) JUDICIAL DISTRICT

COMPLAINT TO RECOVER POSSESSION OF PROPERTY

Original - Court 1st copy - Tenant

2nd copy - Mailing 3rd copy - Landlord

CASE NO.

Court address

Court telephone no.

\bigcirc	<u>\</u>	
B	Plaintiff name(s), address(es), and telephone no(s).	Defendant name(s), and address(es)
		v
	Plaintiff's attorney, bar no., address, and telephone no.	
	The plaintiff states:	
C	1. There is no other pending or resolved civil action arisi complaint.	ng out of the same transaction or occurrence alleged in this
-	\Box A civil action between these parties or other parties ar	ising out of the transaction or occurrence alleged in this complaint
	has been previously filed in	Court. The docket number and assigned judge are
	The action remains is no longer pending.	-
	a copy of the notice to quit or demand for possession, if	pancy agreement, if any, under which possession is claimed, and any, showing when and how it was served.
(D)	3. The person entitled to possession of the property descril	bed
e	\square in the attached notice/demand \square as follows:	
	is Name (type or print)	
E		f the property:
\sim		
(F)		cause:
	□ c. lease terminated per provision in lease (para. no	□ b. tenancy was terminated by notice to quit.)□ d. defendant is a trespasser. Explain in space beneath item f.
	e. forcible entry was made or possession was held by f. other:	y force after a peaceful entry.
	Describe in detail how the trespass occurred on how the premises are in the time that has passed since the trespasser took possession. Use	being illegally held. State that no lawful tenancy existed between the parties
G	2) \Box 6. The tenancy involves regulated housing operated by d	or under rules of a governmental unit. The rule or law under
(H)	which the tenancy is ended is	s kept fit for the use intended and has been kept in reasonable
\sim	repair during the term of the lease.	s kept in for the use intended and has been kept in reasonable
(\mathbf{I})	 B. The defendant remains in possession of the property. 9. The plaintiff requests a judgment of possession and content. 	osts.
J		
	SUPPLEMEN	
(K)	11. Complaint is made and judgment is sought for mone	y damages against the defendant as follows: Use a separate sheet
-	of paper if needed.	
L		
	Date	Plaintiff/Attorney signature

Date Plaintiff/Attorney signature DC 102c (6/17) COMPLAINT TO RECOVER POSSESSION OF PROPERTY MCL 600.5714, MCR 2.113(C), MCR 4.201(B)

	Original - Court 1st copy - Defenda	ant	2nd copy - Defendant 3rd copy - Plaintiff
STATE OF MICHIGAN JUDICIAL DISTRICT	JUDGMENT LANDLORD-TEN	ANT	CASE NO.
Court address			Court telephone no
Plaintiff		Defendant	
	V		
		by Dr	רוחש: nearing default* consent*י
		-	on active military duty, default judgment shall
		not be entered ex Relief Act.	cept as provided by the Servicemembers Civil
Plaintiff/Attorney	Personal service	P	DSSESSION JUDGMENT
			tiff has a right to recover on of the property.
		2. There is	now due to the plaintiff for nonpaymen
			nd other money due under the lease:
		b. Other	money due \$
Defendant/Attorney	Personal service		\$\$
			ndant has a right to retain
amount due in item 2d abov	re or does not move out on or b	Defore Date	bes not pay the plaintiff or the court the bes not move out on or before
amount due in item 2d abov	re or does not move out on or b n order evicting the defendant i ion shall be entered pursuant to noney damages after moving i the total amount due in item 2	oefore <u>Date</u> f the defendant do o MCL 600.5744(2 f additional rent is	2). owed or if there is damage to the
amount due in item 2d abov	re or does not move out on or b n order evicting the defendant i 	oefore <u>Date</u> f the defendant do o MCL 600.5744(2 f additional rent is d above	2). owed or if there is damage to the
 amount due in item 2d abov b. The plaintiff can apply for ar Date c. An immediate order of evict 5. The defendant may be liable for r property. 6. Acceptance of partial payment of from issuing an order evicting the 	re or does not move out on or b n order evicting the defendant i ion shall be entered pursuant to noney damages after moving i the total amount due in item 2 defendant. this time. 	Defore Date f the defendant do o MCL 600.5744(2 f additional rent is d above wil	 bes not move out on or before 2). owed or if there is damage to the I
 amount due in item 2d abov b. The plaintiff can apply for ar Date c. An immediate order of evict 5. The defendant may be liable for r property. 6. Acceptance of partial payment of from issuing an order evicting the 7. No money judgment is entered at 8. A possession judgment was predicted at the second secon	re or does not move out on or b n order evicting the defendant i ion shall be entered pursuant to noney damages after moving i the total amount due in item 2 defendant. this time. MONEY JUDGMI viously entered. arn interest at statutory rates, is	before Date f the defendant do o MCL 600.5744(2 f additional rent is d above □ wil ENT s entered as follow	 bes not move out on or before 2). owed or if there is damage to the I □ will not prevent the court Damages \$
 amount due in item 2d abov b. The plaintiff can apply for ar Date c. An immediate order of evict 5. The defendant may be liable for r property. 6. Acceptance of partial payment of from issuing an order evicting the 7. No money judgment is entered at 8. A possession judgment was president of the section of th	re or does not move out on or b n order evicting the defendant i ion shall be entered pursuant to noney damages after moving i the total amount due in item 2 defendant. this time. MONEY JUDGMI viously entered. arn interest at statutory rates, is	before Date f the defendant do o MCL 600.5744(2 f additional rent is d above □ wil ENT s entered as follow	 bes not move out on or before 2). owed or if there is damage to the I □ will not prevent the court Damages \$
 amount due in item 2d abov b. The plaintiff can apply for ar Date c. An immediate order of evict 5. The defendant may be liable for r property. 6. Acceptance of partial payment of from issuing an order evicting the 7. No money judgment is entered at 8. A possession judgment was preder 9. A money judgment, which will each 10. THE COURT FURTHER ORDERS 	re or does not move out on or b n order evicting the defendant i ion shall be entered pursuant to noney damages after moving i the total amount due in item 2 defendant. this time. MONEY JUDGMI viously entered. arn interest at statutory rates, is	before Date f the defendant do o MCL 600.5744(2 f additional rent is d above □ wil ENT s entered as follow	 bes not move out on or before 2). owed or if there is damage to the I □ will not prevent the court Damages \$
 amount due in item 2d abov b. The plaintiff can apply for ar Date c. An immediate order of evict 5. The defendant may be liable for r property. 6. Acceptance of partial payment of from issuing an order evicting the 7. No money judgment is entered at 8. A possession judgment was predered at 9. A money judgment, which will each at 10. THE COURT FURTHER ORDERS 	re or does not move out on or b n order evicting the defendant i ion shall be entered pursuant to noney damages after moving i the total amount due in item 2 defendant. this time. MONEY JUDGMI viously entered. arn interest at statutory rates, is Judge	pefore Date f the defendant do o MCL 600.5744(2 f additional rent is d above □ wil ENT s entered as follow	Des not move out on or before 2). owed or if there is damage to the I will not prevent the court vs: Costs Total \$
amount due in item 2d abov	re or does not move out on or be n order evicting the defendant i ion shall be entered pursuant to noney damages after moving in the total amount due in item 20 defendant. this time. MONEY JUDGM viously entered. arm interest at statutory rates, is Judge a motion for a new trial, a motion rules and must be filed in court	pefore Date f the defendant do o MCL 600.5744(2 f additional rent is d above □ wil ENT s entered as follow	Des not move out on or before 2). owed or if there is damage to the I will not prevent the court vs: Costs Total \$
amount due in item 2d abov	re or does not move out on or b n order evicting the defendant i ion shall be entered pursuant to noney damages after moving i the total amount due in item 2 defendant. this time. MONEY JUDGMI viously entered. arn interest at statutory rates, is judge a motion for a new trial, a motior rules and must be filed in court parties. on this date I served a copy of	pefore Date f the defendant do o MCL 600.5744(2 f additional rent is d above □ wil ENT s entered as follow	Des not move out on or before 2). owed or if there is damage to the I will not prevent the court vs: Costs Total \$
amount due in item 2d abov	re or does not move out on or b n order evicting the defendant i ion shall be entered pursuant to noney damages after moving i the total amount due in item 2 defendant. this time. MONEY JUDGMI viously entered. arn interest at statutory rates, is	the defendant do o MCL 600.5744(2 f additional rent is d above wil	Des not move out on or before 2). owed or if there is damage to the I will not prevent the court vs: Costs Total \$
amount due in item 2d abov	re or does not move out on or b n order evicting the defendant i ion shall be entered pursuant to noney damages after moving i the total amount due in item 2 defendant. this time. MONEY JUDGMI viously entered. arn interest at statutory rates, is	before Date The defendant do o MCL 600.5744(2 f additional rent is d above wil ENT s entered as follow to set aside a def by Date **Approved: **Approved:	Des not move out on or before 2). owed or if there is damage to the I will not prevent the court Damages vs: Costs Total \$

Approved,	SCAO
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Original - Officer return 1st copy - Court

2nd copy - Defendant 3rd copy - Plaintiff

CASE NO.

STATE OF MICHIGAN JUDICIAL DISTRICT	APPLICATION AND ORDER OF EVICTION Landlord-Tenant / Land Contract	
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Court address

Court telephone no.

Plaintiff's name, address, and telephone no.		Defendant's name(s) and address(es)
	v	
	_	
Plaintiff's attorney, bar no., address, and telephone no.		
NOTE: An application may be required even though a request for an order of eviction is granted in the judgment.	APPLICATIC	N
1. On judgment was e	entered again	st the defendant(s) and the plaintiff was awarded
possession of the following described property:		
2. No payment has been made on the judgment or no rer	nt has been re	eceived since the date of judgment, except the sum of
seceived under the followi	ing condition	S:
3. The plaintiff has complied with the terms of the judgm	ent.	
4. The time stated in the judgment before an order of evi	iction can be	issued has elapsed.
I declare that the statements above are true to the best of	my informati	on knowledge and belief
	ing mornad	
Date	Plaint	iff/Attorney signature
		TION
ORL	DEROFEVIC	TION
IN THE NAME OF THE PEOPLE OF THE STATE OF MIC	CHIGAN:	
To the Court Officer: You are ordered to restore the pla	intiff to, and	out the plaintiff in, full possession of the premises.
Date issued	Judge	Bar no.
NOTE: In tenancy cases, this order must be executed w	-	

APPLICATION AND ORDER OF EVICTION

CASE NO.

RETURN

I certify and return that on ______I executed the order of eviction on the other side of this form

by evicting $\frac{1}{Name(s)}$

from the property, and I have restored the plaintiff to peaceful possession as ordered.

Date

(Deputy) sheriff/Court officer/Bailiff

Service fee	Miles traveled	Fee	
\$		\$	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
\$		\$	\$