

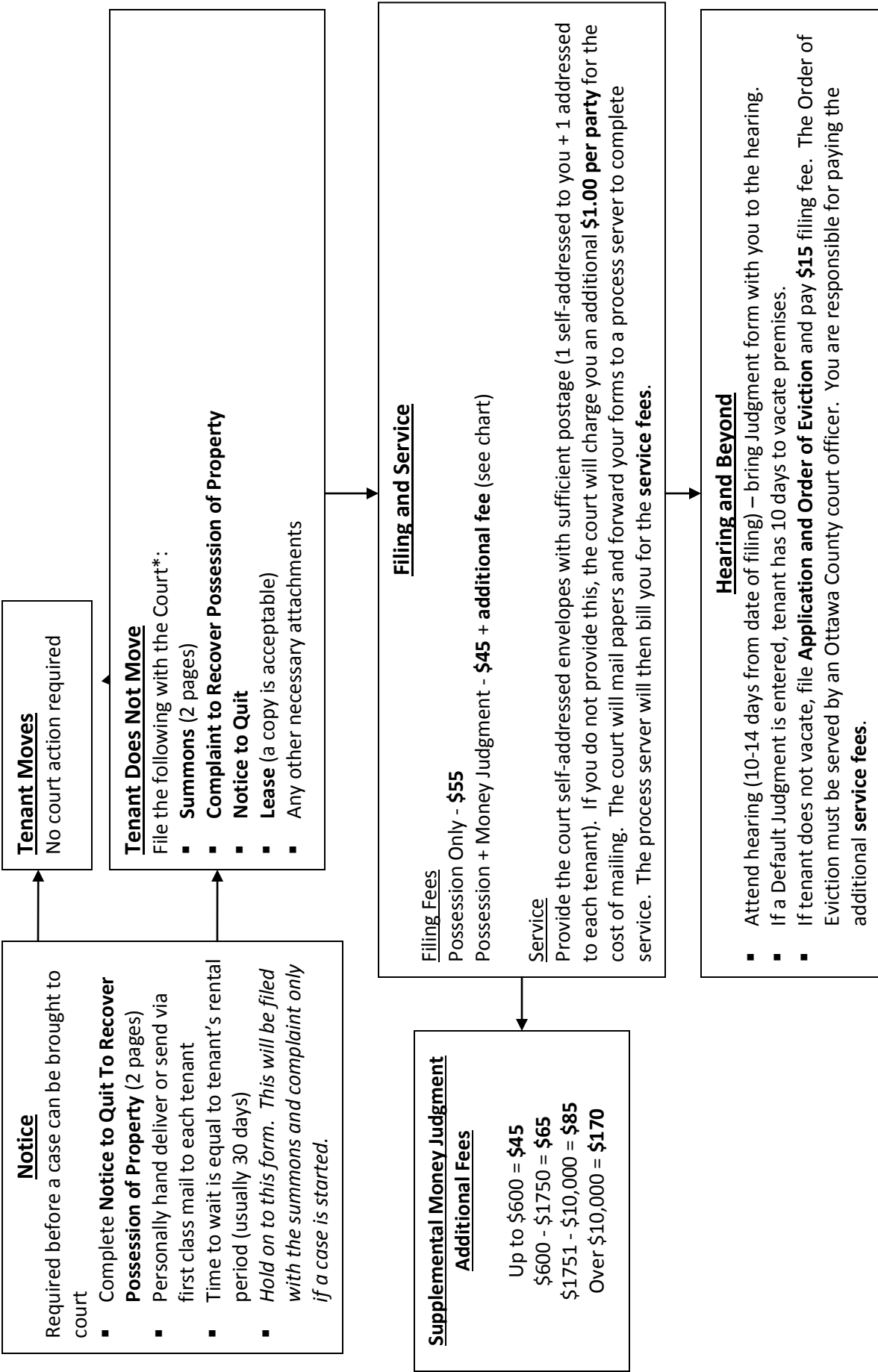
# Recover Possession of Property

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

<p><b>When to Use:</b></p>	<ul style="list-style-type: none"> <li>• You want to recover possession of real property; <b>and</b></li> <li>• The tenant has breached the lease; <b>or</b></li> <li>• The lease has expired; <b>or</b></li> <li>• For all other situations.</li> </ul>				
<p><b>Filing Fees:</b></p>	<p>Possession Only - \$55                  Possession + Money Judgment - \$45 + additional fee</p>				
<p><b>Method of Payment:</b></p>	<ul style="list-style-type: none"> <li>• Cash</li> <li>• Credit Card</li> <li>• Money Order payable to: <i>58<sup>th</sup> District Court</i></li> </ul>				
<p><b>Where to File:</b></p>	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <p><u>Grand Haven</u>                      414 Washington                      Grand Haven, MI 49417</p> </td> <td style="width: 50%; vertical-align: top;"> <p><u>Hudsonville</u>                      3100 Port Sheldon Rd.                      Hudsonville, MI 49426</p> </td> </tr> <tr> <td colspan="2" style="vertical-align: top;"> <p><u>Holland</u>                      85 West 8<sup>th</sup> St.                      Holland, MI 49423</p> </td> </tr> </table>	<p><u>Grand Haven</u>                      414 Washington                      Grand Haven, MI 49417</p>	<p><u>Hudsonville</u>                      3100 Port Sheldon Rd.                      Hudsonville, MI 49426</p>	<p><u>Holland</u>                      85 West 8<sup>th</sup> St.                      Holland, MI 49423</p>	
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<p><b>Copies:</b></p>	<p>None</p>				
<p><b>Additional Information:</b></p>	<p>You case must be started in the county where the property is located. Additionally, you must look at the <b>property's zip code</b> to determine where to file (see below).</p> <p><b>Holland:</b> 49422, 49423, 49424, 49464, 49460  <b>Hudsonville:</b> 49426, 49404, 49401, 49403, 49428, 49427, 49544, 49435  <b>Grand Haven:</b> 49417, 49409, 49456, 49448</p> <p>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 <b>\$1.00 per party</b> for the cost of mailing. Stamped envelopes are available for purchase in the Legal Self-Help Center.</p>				

## RECOVER POSSESSION OF PROPERTY

Use this packet if the tenant has breached the lease, the lease has expired, or for all other situations.



\* Case must be started in the county where the property is located.

<b>STATE OF MICHIGAN</b>	<b>NOTICE TO QUIT TO RECOVER POSSESSION OF PROPERTY Landlord-Tenant</b>	
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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: Unless otherwise allowed by law, 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

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

<b>STATE OF MICHIGAN</b>	<b>NOTICE TO QUIT TO RECOVER POSSESSION OF PROPERTY Landlord-Tenant</b>	
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\_\_\_\_\_  
Date

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Signature of owner of premises or agent

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Address

\_\_\_\_\_  
City, state, zip Telephone no.

\*NOTE: Unless otherwise allowed by law, 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](http://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.michiganlegalhelp.org](http://www.michiganlegalhelp.org). If you do not have Internet access at home, you can access the Internet at your local library.

<b>STATE OF MICHIGAN JUDICIAL DISTRICT</b>	<b>SUMMONS Landlord-Tenant/Land Contract</b>	<b>CASE NO.</b>
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Court address

Court telephone no.

Plaintiff's name, address, and telephone no.

Plaintiff's attorney, bar no., address, and telephone no.

**v**

Defendant's name, address, and telephone no.

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.

- Rental unit eviction
- Land contract forfeiture

**NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. The plaintiff has filed a complaint against you and wants
- to recover possession, after land contract forfeiture, of
  - a money judgment for
  - to evict you from

Address or description of premises

2. You are summoned to be in the district court on \_\_\_\_\_ at \_\_\_\_\_  
Day and date Time

at the address above,  at \_\_\_\_\_, courtroom \_\_\_\_\_  
Location

3. You have the right to a jury trial. If you do not demand a jury trial and pay the required jury fee in your first defense response, you will lose this right.
4. If you are in district court on time, you will have an opportunity to give the reasons why you feel you should not be evicted. Bring witnesses, receipts, and other necessary papers with you.
5. If you are not in district court on time, you may be evicted without a trial and a money judgment may be entered against you.

\_\_\_\_\_  
Date Issued

\_\_\_\_\_  
Court clerk

\*The certificate of mailing applies to landlord-tenant cases only.

This document must be sealed by the seal of the court.

**CERTIFICATE OF MAILING BY COURT\***

I certify that on this date I served a copy of this summons and the complaint and required attachments on the defendant(s) by first-class mail addressed to their last-known addresses as defined in MCR 2.107(C)(3).

\_\_\_\_\_  
Date

\_\_\_\_\_  
Court clerk/officer

**CERTIFICATE OF MAILING BY PLAINTIFF\***

I certify that on this date I served a copy of this summons and the complaint and required attachments on the defendant(s) by first-class mail addressed to their last-known addresses as defined in MCR 2.107(C)(3). I have attached a receipt of mailing from the post office.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Plaintiff signature

<b>STATE OF MICHIGAN JUDICIAL DISTRICT</b>	<b>SUMMONS Landlord-Tenant/Land Contract</b>	<b>CASE NO.</b>
--	--	-----------------

Court address

Court telephone no.

Plaintiff's name, address, and telephone no.

Plaintiff's attorney, bar no., address, and telephone no.

**v**

Defendant's name, address, and telephone no.

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5. If you are not in district court on time, you may be evicted without a trial and a money judgment may be entered against you.

\_\_\_\_\_  
Date Issued

\_\_\_\_\_  
Court clerk

This document must be sealed by the seal of the court.

### HOW TO GET HELP

You have received an important legal document from a court. Your landlord is trying to evict you. This means you could lose your housing and you could owe your landlord money. It is important to respond to this quickly.

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.

Tenant's Copy



<b>A</b> STATE OF MICHIGAN JUDICIAL DISTRICT	<b>COMPLAINT TO RECOVER POSSESSION OF PROPERTY</b>	<b>CASE NO.</b>
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Court address Court telephone no.

**B** Plaintiff name(s), address(es), and telephone no(s).

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Plaintiff's attorney, bar no., address, and telephone no.

v

Defendant name(s), and address(es)

**The plaintiff states:**

- C** 1.  There is no other pending or resolved civil action arising out of the same transaction or occurrence alleged in this complaint.  
 A civil action between these parties or other parties arising 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.

2. Attached to this complaint is a copy of the lease or occupancy agreement, if any, under which possession is claimed, and a copy of the notice to quit or demand for possession, if any, showing when and how it was served.

- D** 3. The person entitled to possession of the property described  in the attached notice/demand  as follows: \_\_\_\_\_  
 is \_\_\_\_\_  
Name (type or print)

- E** 4. The defendant is in possession of the following portion of the property: \_\_\_\_\_

- F** 5. The plaintiff has a right to possession of the property because:  
 a. lease expired on \_\_\_\_\_ .  b. tenancy was terminated by notice to quit.  
 c. lease terminated per provision in lease (para. no. \_\_\_\_ )  d. defendant is a trespasser. Explain in space beneath item f.  
 e. forcible entry was made or possession was held by force after a peaceful entry.  
 f. other: \_\_\_\_\_

Describe in detail how the trespass occurred on how the premises are being illegally held. State that no lawful tenancy existed between the parties in the time that has passed since the trespasser took possession. Use a separate sheet of paper if needed.

- G**  6. The tenancy involves regulated housing operated by or under rules of a governmental unit. The rule or law under which the tenancy is ended is \_\_\_\_\_.

- H**  7. The plaintiff declares that this residential property was kept fit for the use intended and has been kept in reasonable repair during the term of the lease.

- I**  8. The defendant remains in possession of the property.  
 9. **The plaintiff requests** a judgment of possession and costs.

- J**  10. **The plaintiff demands** a jury trial.

**SUPPLEMENTAL COMPLAINT**

- K**  11. Complaint is made and judgment is sought for money damages against the defendant as follows: Use a separate sheet of paper if needed.

**L** \_\_\_\_\_  
Date Plaintiff/Attorney signature



<b>STATE OF MICHIGAN JUDICIAL DISTRICT</b>	<b>JUDGMENT LANDLORD-TENANT</b>	<b>CASE NO.</b>
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Court address Court telephone no.

Plaintiff

v

Defendant

Plaintiff/Attorney  Personal service

Defendant/Attorney  Personal service

**THE COURT FINDS:**

by  hearing  default\*  consent\*\*

\*For a defendant on active military duty, default judgment shall not be entered except as provided by the Servicemembers Civil Relief Act.

**POSSESSION JUDGMENT**

- 1. The plaintiff has a right to recover possession of the property.
- 2. There is now due to the plaintiff for nonpayment of rent and other money due under the lease:
  - a. Rent to retain possession \$ \_\_\_\_\_
  - b. Other money due..... \$ \_\_\_\_\_
  - c. Costs..... \$ \_\_\_\_\_
  - d. Total ..... \$ \_\_\_\_\_
- 3. The defendant has a right to retain possession.

**IT IS ORDERED:**

- 4.  a. The plaintiff can apply for an order evicting the defendant if the defendant does not pay the plaintiff or the court the amount due in item 2d above or does not move out on or before \_\_\_\_\_ .  
Date
- b. The plaintiff can apply for an order evicting the defendant if the defendant does not move out on or before \_\_\_\_\_ .  
Date
- c. An immediate order of eviction shall be entered pursuant to MCL 600.5744(2).
- 5. The defendant may be liable for money damages after moving if additional rent is owed or if there is damage to the property.
- 6. Acceptance of partial payment of the total amount due in item 2d above  will  will not prevent the court from issuing an order evicting the defendant.
- 7. No money judgment is entered at this time.

**MONEY JUDGMENT**

- 8. A possession judgment was previously entered. Damages \$ \_\_\_\_\_
- 9. A money judgment, which will earn interest at statutory rates, is entered as follows:
 

Costs	\$ _____
Total	\$ _____

10. **THE COURT FURTHER ORDERS:** \_\_\_\_\_

\_\_\_\_\_  
Date Judge Bar no.

**YOU ARE ADVISED** that you may file a motion for a new trial, a motion to set aside a default judgment, or an appeal and appeal bond, which must comply with all court rules and must be filed in court by \_\_\_\_\_. You may want legal help.  
Date

MCR 4.201(l) was explained to the parties.

**CERTIFICATE OF MAILING:** I certify that on this date I served a copy of this judgment on the parties or their attorneys by first-class mail addressed to their last-known addresses as defined in MCR 2.107(C)(3).

\_\_\_\_\_  
Date Deputy clerk

**\*\*Approved:**

Date	Plaintiff/Attorney
Date	Defendant/Attorney

<b>STATE OF MICHIGAN JUDICIAL DISTRICT</b>	<b>APPLICATION AND ORDER OF EVICTION Landlord-Tenant / Land Contract</b>	<b>CASE NO.</b>
--	--	-----------------

**Court address** \_\_\_\_\_ **Court telephone no.** \_\_\_\_\_

Plaintiff's name, address, and telephone no.

---

**v**

Defendant's name(s) and address(es)

---

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.

**APPLICATION**

1. On \_\_\_\_\_ judgment was entered against the defendant(s) and the plaintiff was awarded  
Date  
 possession of the following described property: \_\_\_\_\_

\_\_\_\_\_

2. No payment has been made on the judgment or no rent has been received since the date of judgment, except the sum of  
 \$ \_\_\_\_\_ received under the following conditions: \_\_\_\_\_

\_\_\_\_\_

3. The plaintiff has complied with the terms of the judgment.

4. The time stated in the judgment before an order of eviction can be issued has elapsed.

I declare that the statements above are true to the best of my information, knowledge, and belief.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Plaintiff/Attorney signature

**ORDER OF EVICTION**

**IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN:**

**To the Court Officer:** You are ordered to restore the plaintiff to, and put the plaintiff in, full possession of the premises.

\_\_\_\_\_  
Date issued

\_\_\_\_\_  
Judge Bar no.

**NOTE:** In tenancy cases, this order must be executed within 56 days of the issuance date.

**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  
Date

by evicting \_\_\_\_\_  
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 \$	<b>TOTAL FEE</b> \$