

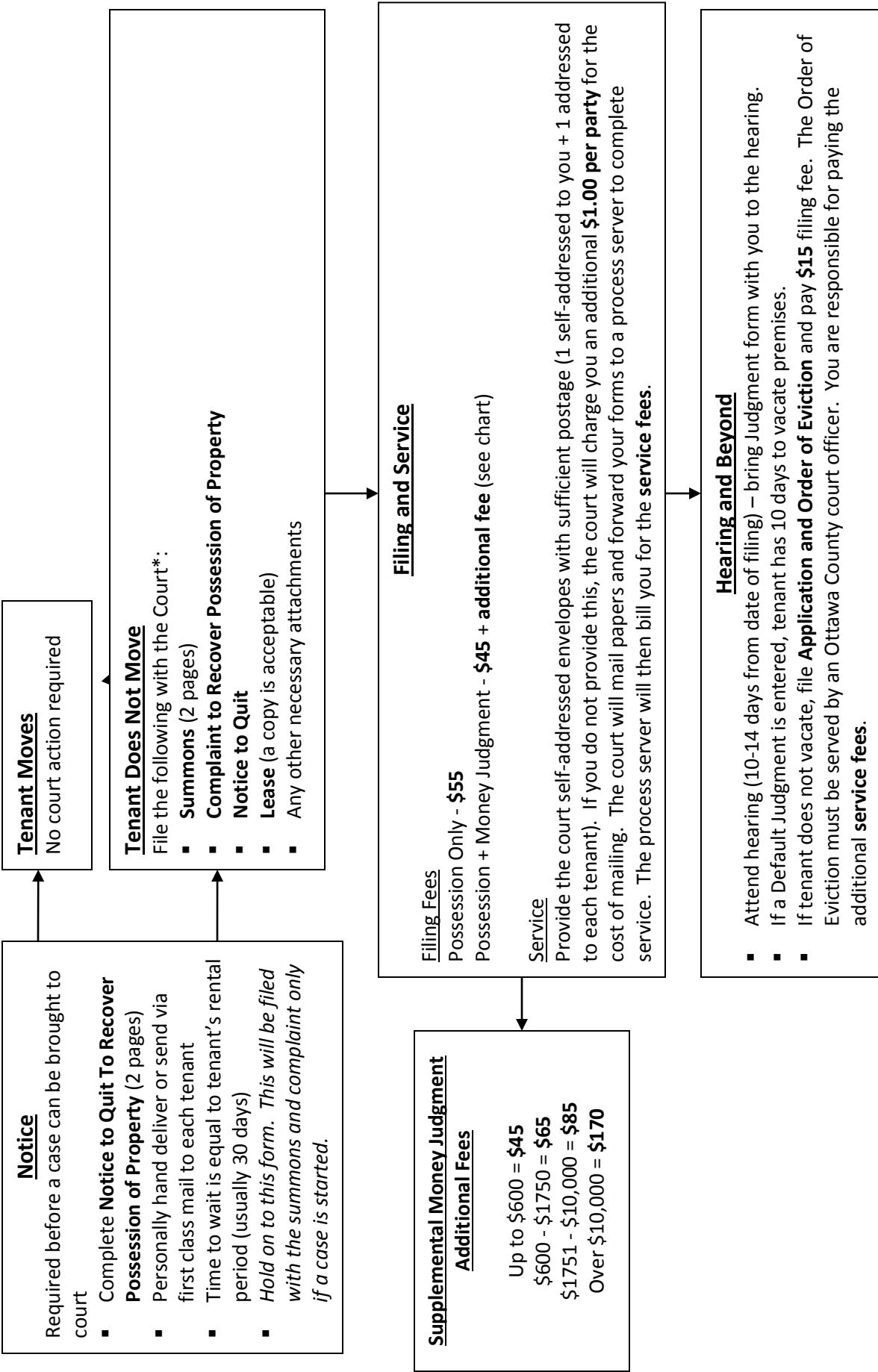
Recover Possession of Property

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

<p>When to Use:</p>	<ul style="list-style-type: none"> • You want to recover possession of real property; and • The tenant has breached the lease; or • The lease has expired; or • For most other situations. 				
<p>Filing Fees:</p>	<p>Possession Only - \$55 Possession + Money Judgment - \$45 + additional fee</p>				
<p>Method of Payment:</p>	<ul style="list-style-type: none"> • Cash • Credit Card • Money Order payable to: <i>58th District Court</i> 				
<p>Where to File:</p>	<table border="0"> <tr> <td style="vertical-align: top;"> <p><u>Grand Haven</u> 414 Washington Grand Haven, MI 49417</p> </td> <td style="vertical-align: top;"> <p><u>Hudsonville</u> 3100 Port Sheldon Rd. Hudsonville, MI 49426</p> </td> </tr> <tr> <td colspan="2" style="padding-top: 10px;"> <p><u>Holland</u> 85 West 8th 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 8th St. Holland, MI 49423</p>	
<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 8th St. Holland, MI 49423</p>					
<p>Copies:</p>	<p>None</p>				
<p>Additional Information:</p>	<p>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).</p> <p>Holland: 49422, 49423, 49424, 49464, 49460 Hudsonville: 49426, 49404, 49401, 49403, 49428, 49427, 49544, 49435 Grand Haven: 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 \$1.00 per party 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.

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

TO: Ⓐ _____

L _____

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.

Ⓕ _____
 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

Ⓖ 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.
 electronic service to the person in possession (who has consented in writing to such service) at the following electronic service address: _____ .

 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: _____

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.

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.

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.michiganlegalhelp.org. If you do not have Internet access at home, you can access the Internet at your local library.

Tenant's copy

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.

STATE OF MICHIGAN JUDICIAL DISTRICT COUNTY	SUMMONS Landlord-Tenant/Land Contract	CASE NO. and JUDGE
--	--	--------------------

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 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 _____
Day, date, and time

at the address above, at _____, courtroom _____
Location

3. This action is is not brought in the county or district in which the premises or any part of the premises is situated.
4. You have the right to have the case tried in the proper county, district, or court. The case will be transferred to the proper county, district, or court if you file a motion with the court for such transfer.
5. 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.
6. 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.
7. 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.

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

Court clerk signature and date

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).

Clerk signature and date

CERTIFICATE OF MAILING*

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 declare under the penalties of perjury that this certificate of mailing has been examined by me and that its contents are true to the best of my information, knowledge, and belief. I have attached a receipt of mailing from the post office.

Plaintiff signature and date

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

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.

- 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 _____
Day, date, and time

at the address above, at _____, courtroom _____
Location

3. This action is is not brought in the county or district in which the premises or any part of the premises is situated.
4. You have the right to have the case tried in the proper county, district, or court. The case will be transferred to the proper county, district, or court if you file a motion with the court for such transfer.
5. 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.
6. 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.
7. 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.

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

 Court clerk signature and date

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 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.

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.

<input type="checkbox"/> I am a sheriff, deputy sheriff, bailiff, appointed court officer or attorney for a party (MCR 2.104[A][2]). (notarization not required)	<input type="checkbox"/> I am a legally competent adult who is not a party or an officer of a corporate party. (notarization required)
---	--

CERTIFICATE / AFFIDAVIT / SERVICE BY DELIVERY OR ATTACHMENT

I served personally by registered or certified mail (copy of return receipt attached)

by delivery to a member of the defendant's or defendants' household (who was of suitable age, who was informed of the contents and asked to deliver the papers to the defendant(s))

after diligent attempts at personal service, by securely attaching the papers to the main entrance of the tenant's or tenants' dwelling unit (list personal service attempts below)

a copy of the summons and complaint and the attachments listed below on:

Defendant(s)/Household member's name	Date and time of service
Place or address of service	
Attachments	
Attempts at personal service (provide attempts if service was by secure attachment)	

NONSERVICE RETURN After diligent search and inquiry, I have been unable to serve the defendant(s).

I declare under the penalties of perjury that this return of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee \$	Miles traveled	Fee \$	TOTAL FEE \$	Signature
Incorrect address fee \$	Miles traveled	Fee \$		Name (type or print)

Title (if applicable) _____

Note: If documents are served by someone other than a sheriff, deputy sheriff, or other person listed in MCL 600.1910(b), this return must be notarized.

Subscribed and sworn to before me on _____
Date

Deputy clerk/Notary public signature

My commission expires on _____
Name (type or print)

Notary public, State of Michigan, County of _____ Acting in the County of _____
 This notarial act was performed using an electronic notarization system or a remote electronic notarization platform.

ACKNOWLEDGMENT OF SERVICE I acknowledge that I have received service of the summons

and complaint, together with _____ on _____
Attachments Date and time

Signature on behalf of _____

A STATE OF MICHIGAN 58TH JUDICIAL DISTRICT	COMPLAINT TO RECOVER POSSESSION OF PROPERTY	CASE NO.
--	--	-----------------

Court address Court telephone no.

B Plaintiff name(s), address(es), and telephone no(s). 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** NOTE: If you wish to demand a jury trial, you must file a jury demand (MC 22).

SUPPLEMENTAL COMPLAINT

- K** 10. 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

STATE OF MICHIGAN JUDICIAL DISTRICT	JUDGMENT LANDLORD-TENANT	CASE NO.
--	-------------------------------------	-----------------

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(3).
- 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

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

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 \$	TOTAL FEE \$