## 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. Complete the notice form?	YES 🗆
2. Sign the notice form?	YES 🗌
3. Deliver the "Tenant's copy" of the notice to the tenant?	YES 🗌
4. 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 at www.michiganlegalhelp.org.

# 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 notice to quit 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 notice under the tenant's door, leaving the notice outside the tenant's door, attaching the notice to the property, or mailing the notice 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 to recover possession 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.

- 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)."
- Check the appropriate box in item 1. If the "other" box is checked, explain the reason for wanting to recover possession of the property.
- 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.

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 at www.michiganlegalhelp.org for information on the legal process.

STATEOFMI		NOTICE TO QUIT VER POSSESSION OF PROPERTY Landlord-Tenant	
то:		$\neg$	
	( <b>B</b> )		
1. Yourlandlord/la	andlady,	, is seeking to rec	over possession of property pursuant to
© □ MCL 554.13	4(1) or (3) (see other side)	other:	and wants to evict you from:
Address or descr	iption of premises rented (if differen	t from mailing address):	
<b>E</b> 2. You must move	e by	or your landlord/lar	ndlady may take you to court to evict you.
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 e			
4. If you believe yo	ou have a good reason why you	i should not be evicted, you may have a	lawyer advise you. Call him or her soon.
<b>F</b>			
Date			
Signature of owner of	premises or agent		
Address			
City, state, zip		Telephone no.	
*NOTE: Unless oth	nerwise allowed by law, the land	lord/landlady must give notice equal in ti	me to at least one rental period.
<b>(G</b> )		CERTIFICATE OF SERVICE	
I certify that on	te I serve	ed this notice on	
delivering with a req	it personally to the person in part on the premises to a member uest that it be delivered to the mail addressed to the person	er of his/her family or household or an 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: 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): \_\_\_\_\_ or your landlord/landlady may take you to court to evict you. 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 <a href="https://www.michbar.org">www.michbar.org</a>.
- 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 <a href="https://www.michiganlegalhelp.org">www.michiganlegalhelp.org</a>. 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.