

Form DC 100d

DEMAND FOR POSSESSION TERMINATION OF TENANCY Mobile Home Park-Mobile Home Owner (Just-Cause Termination)

Use this form to give notice to a tenant when you want to start eviction proceedings against a mobile home owner when terminating tenancy in a mobile home park.

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/evictmh_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/evictmh_help.htm.

**INSTRUCTIONS FOR USING FORM DC 100d
COMPLETING AND DELIVERING A DEMAND FOR POSSESSION**

»» DEFINITION

Demand for Possession, Termination of Tenancy, Mobile Home Park-Mobile Home Owner, Just-Cause

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 a demand for possession that is used when the landlord wants to terminate the tenancy of a mobile home owner in a mobile home park and wants the tenant to move.

»» 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 demand for possession 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 "DEMAND FOR POSSESSION, TERMINATION OF TENANCY,
MOBILE HOME PARK-MOBILE HOME OWNER (Just-Cause Termination)"**

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** 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."
- D** Explain the reason for wanting to evict the tenant.
- 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/evictmh_help.htm
for directions on the legal process.**

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|--------------------------|---|--|
| STATE OF MICHIGAN | DEMAND FOR POSSESSION TERMINATION OF TENANCY Mobile Home Park-Mobile Home Owner Just-Cause Termination | |
|--------------------------|---|--|

A

TO:

B

1. The owner/operator, _____, of your mobile home park is terminating your tenancy for just cause as stated below and wants to evict you from

C

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

D

(State reason[s] for terminating tenancy for just cause. See reverse side for acceptable reasons.)

E

2. You must move by _____ or the owner/operator may take you to court to evict you.
Date (*see note)

3. If the owner/operator takes you to court to evict you, you will have the opportunity to present reasons why you believe you should not be evicted. You also have 10 days from the date of this notice to request, by certified or registered mail to the owner/operator, an in-person conference with the owner/operator. You may have a lawyer with you at this conference. You are required by law to continue paying rent and other charges.

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/operator

Address

City, state, zip Telephone no.

*NOTE: If the lease agreement does not state otherwise, the owner/operator 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)

| | | |
|--------------------------|---|--|
| STATE OF MICHIGAN | DEMAND FOR POSSESSION TERMINATION OF TENANCY Mobile Home Park-Mobile Home Owner Just-Cause Termination | |
|--------------------------|---|--|

TO:

1. The owner/operator, _____, of your mobile home park is terminating your
Name (type or print)
 tenancy for just cause as stated below and wants to evict you from

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

(State reason[s] for terminating tenancy for just cause. See reverse side for acceptable reasons.)

2. You must move by _____ or the owner/operator may take you to court to evict you.
Date (*see note)
3. If the owner/operator takes you to court to evict you, you will have the opportunity to present reasons why you believe you should not be evicted. You also have 10 days from the date of this notice to request, by certified or registered mail to the owner/operator, an in-person conference with the owner/operator. You may have a lawyer with you at this conference. You are required by law to continue paying rent and other charges.
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/operator

Address

City, state, zip

Telephone no.

*NOTE: If the lease agreement does not state otherwise, the owner/operator 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.

Mobile home owner's copy

**EXPLANATION OF JUST-CAUSE TERMINATIONS
FOR MOBILE HOME OWNERS RENTING LAND IN MOBILE HOME PARKS**

MCL 600.5775(2)

- (a) Use of site for unlawful purpose.
- (b) Failure by the tenant to comply with a lease or agreement of the park or with a rule or regulation of the mobile home park adopted under the lease or agreement, which rule or regulation is reasonably related to
 - (i) the health, safety, or welfare of the park, its employees, or tenants.
 - (ii) the quiet enjoyment of the other tenants of the mobile home park.
 - (iii) maintaining the physical condition or appearance of the mobile home park or the mobile homes on site.
- (c) A violation by the tenant of rules of the Michigan Department of Community Health (MDCH).
- (d) Intentional physical injury by the tenant to the personnel or other tenants of the mobile home park, or intentional physical damage by the tenant to the property of the mobile home park or of its other tenants.
- (e) Failure of the tenant to comply with a local ordinance, state law, or governmental rule or regulation relating to mobile homes.
- (f) Failure of the tenant to pay rent or other charges under the lease or rental agreement on time on three or more occasions during any 12-month period, for which the owner or operator has served a written demand for possession for nonpayment of rent and the tenant has failed or refused to pay the rent or other charges within the time period stated in the written demand for possession.
- (g) Conduct by the tenant upon the mobile home park premises, which is a substantial annoyance to other tenants or to the mobile home park, after notice and an opportunity to cure.
- (h) Failure of the tenant to maintain the mobile home or mobile home site in a reasonable condition consistent with aesthetics appropriate to the park.
- (i) Condemnation of the mobile home park.
- (j) Changes in the use or substantive nature of the mobile home park.
- (k) Public health and safety violations by the tenant.