



## Michigan Supreme Court

State Court Administrative Office

### Trial Court Services Division

Michigan Hall of Justice

P.O. Box 30048

Lansing, Michigan 48909

Phone (517) 373-4835

Jennifer Warner  
Director

### MEMORANDUM

DATE: July 8, 2020

FROM: Rebecca A. Schnelz, Forms and Resources Analyst

RE: Notice of Revision of DC 508, Consent Order for Conditional Dismissal, Landlord-Tenant  
Notice of Revision of DC 509, Order for Reinstatement of Case and Entry of Judgment, Landlord-Tenant

Form DC 508 and DC 509 were updated. A brief explanation and a copy of the forms with the changes highlighted are provided below.

For questions, comments, or suggestions about these court forms, contact 517-373-5626 or [CourtFormsInfo@courts.mi.gov](mailto:CourtFormsInfo@courts.mi.gov).

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#### **DC 508, Consent Order for Conditional Dismissal, Landlord-Tenant**

**Most recent version:** (7/20) version

**Use of existing stock:** Previous versions cannot be used.

- Click here to see the highlighted changes.

This form was updated to include additional options pursuant to MCR 2.602.

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#### **DC 509, Order for Reinstatement of Case and Entry of Judgment, Landlord-Tenant**

**Most recent version:** (7/20) version

**Use of existing stock:** Previous versions cannot be used.

- Click here to see the highlighted changes.

This form was updated to include additional options pursuant to MCR 2.602.

STATE OF MICHIGAN JUDICIAL DISTRICT	CONSENT ORDER FOR CONDITIONAL DISMISSAL Landlord-Tenant	CASE NO. and JUDGE
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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.
Defendant's attorney, bar no., address, and telephone no.

**THE COURT FINDS:**

1. The parties agree to the conditional dismissal of the case under the terms below.
2. Defendant shall pay the following to plaintiff on or before \_\_\_\_\_ :  

Date

  - a. Rent..... \$ \_\_\_\_\_ due through the time period ending \_\_\_\_\_  

Date
  - b. Court costs ..... \$ \_\_\_\_\_
  - c. Other money due..... \$ \_\_\_\_\_
  - d. Total..... \$ \_\_\_\_\_

3. Further conditions: \_\_\_\_\_

4. If defendant fails to pay the rent and other costs **or meet other conditions** as set forth above **the plaintiff may seek entry of an order for reinstatement of the case and entry of judgment.**

a. Plaintiff shall file an affidavit with the court and serve the defendant with the affidavit and notice as required by MCR 2.602(C). If defendant does not file verified objections to the affidavit within 14 days of service of the notice pursuant to MCR 2.602(C)(2)(d), the order for reinstatement of case and entry of judgment, a judgment for money (if eligible and requested in the complaint), and an order of eviction shall enter simultaneously without notice or further process.\*

**OR**

b. This action **may proceed without notice to the defendant or further process.** **The parties specifically waive notice under MCR 2.602(C)(2)(d) and MCR 4.201(L)(3).** This action will be reinstated upon the plaintiff's submission of an affidavit of default, order for reinstatement of case and entry of judgment, a judgment for money (if eligible and requested in the complaint), and an order of eviction, which will enter simultaneously without notice or further process.\*

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

- 5. Defendant remains responsible for paying the entire amount as stated in the order below that is not paid by Michigan Department of Health and Human Services (MDHHS) or any other third party within the time period provided by this order.
- 6. The defendant may be liable for money damages if additional rent is owed or if there is damage to the property.
- 7. Partial payment by defendant of the amount due in item 2d above will not prevent issuance of an order of eviction should a judgment enter after default on this conditional dismissal.

**IT IS ORDERED:**

- 1. The case is dismissed without prejudice subject to the conditions below.
- 2. Defendant shall pay the following to plaintiff on or before \_\_\_\_\_ :  
Date

  - a. Rent..... \$ \_\_\_\_\_ due through the time period ending \_\_\_\_\_ Date
  - b. Court costs ..... \$ \_\_\_\_\_
  - c. Other money due..... \$ \_\_\_\_\_
  - d. Total..... \$ \_\_\_\_\_

3. Further conditions: \_\_\_\_\_

- 4. If defendant fails to pay the rent and other costs or meet other conditions as set forth above,
  - a. the plaintiff may seek entry of an order for reinstatement of the case and entry of judgment pursuant to item 4a of the terms of the conditional dismissal. **OR**
  - b. the plaintiff may submit an affidavit of default, order for reinstatement of case and entry of judgment, a judgment for money (if eligible and requested in the complaint), and an order of eviction, which will enter simultaneously without notice or further process pursuant to item 4b of the terms of the conditional dismissal.

- 5. Defendant remains responsible for paying the entire amount as stated in this order that is not paid by Michigan Department of Health and Human Services (MDHHS) or any other third party within the time period provided by this order.
- 6. The defendant may be liable for money damages if additional rent is owed or if there is damage to the property.
- 7. Partial payment by defendant of the amount due in item 2d above will not prevent issuance of an order of eviction should a judgment enter after default on this conditional dismissal.

MCR 4.201(I) was explained to the parties.

\_\_\_\_\_  
Judge signature and date

Approved as to form and content.

\_\_\_\_\_  
Plaintiff signature and date

\_\_\_\_\_  
Defendant signature and date

\_\_\_\_\_  
Plaintiff's attorney signature and date

\_\_\_\_\_  
Defendant's attorney signature and date

STATE OF MICHIGAN JUDICIAL DISTRICT	ORDER FOR REINSTATEMENT OF CASE AND ENTRY OF JUDGMENT Landlord-Tenant	CASE NO. and JUDGE
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Court address Court telephone no.

Plaintiff	v	Defendant
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Plaintiff/Attorney  Personal service

Defendant/Attorney  Personal service

**THE COURT FINDS THAT:**

1. A Consent Order for Conditional Dismissal was entered in this matter on \_\_\_\_\_ .  
Date

2. The plaintiff has filed an affidavit with the court stating that the opposing party has defaulted on the terms of the Consent Order for Conditional Dismissal, served it on the defendant at the current address listed in court records, and filed proof of service with the court.

3. The plaintiff has served notice on the defendant pursuant to MCR 2.602(C)(2)(d) that an order for reinstatement and for entry of judgment was being submitted to the court for entry if no written objections to the affidavit were filed with the court clerk pursuant to MCR 2.602(C)(2)(d). **AND**  
a.  No objections have been timely filed with the court. **OR**  
b.  Objections were timely filed. The court has determined after hearing that defendant's objections lack merit.  
**AND**  
The order for conditional dismissal provides that if verified objections pursuant to MCR 2.602(C)(2)(d) are not filed, the case may be reinstated and entry of judgment, a judgment for money (if eligible and requested in the complaint) and an order of eviction shall enter simultaneously without notice or further process.

4. The order for conditional dismissal provides that the case may be reinstated and a judgment entered without further notice or process and that an order of eviction and a judgment for money (if eligible and requested in the complaint) may be entered simultaneously upon the filing of an affidavit of default.

5. The conditions for reinstatement of the case, entry of judgment and order of eviction have been met.

6. A judgment for money may enter in this case and was requested in the complaint.

**IT IS ORDERED** that the case is reinstated.

**IT IS FURTHER ORDERED:\***

**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.
- 4. 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**

<input type="checkbox"/> 8. A possession judgment was previously entered.	Damages \$ _____
<input type="checkbox"/> 9. A money judgment, which will earn interest at statutory rates, is entered as follows:	Costs \$ _____
	Total \$ _____

10. It is further ordered: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_  
Judge signature and date

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

**YOU ARE ADVISED** that you may file an appeal and appeal bond or postjudgment motion, which must comply with all court rules and must be filed in court by \_\_\_\_\_. You may want legal help.  
Date