

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 <input type="checkbox"/> |
| 2. Sign the notice form? | YES <input type="checkbox"/> |
| 3. Deliver the “Tenant’s copy” of the notice to the tenant? | YES <input type="checkbox"/> |
| 4. Keep the “Court copy” of the notice for yourself? | YES <input type="checkbox"/> |

If you cannot answer “yes” to all the above steps, you may have problems if you need to file a complaint with the court to evict the tenant.

If you have questions, 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 THE 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 four 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,
- sending it first-class mail addressed to the tenant at his or her last known address, or
- e-mailing it, if the tenant has consented in writing to electronic service.

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.

- 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** Check the appropriate box in item 1. For your reference, MCL 554.134(1) and (3) are included below. If the “other” box is checked, explain the reason for wanting to recover possession of the property.

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 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.

- D** 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.

- 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.

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