

Eviction Timeline

<u>Eviction Timeline</u>	<u>Landlord Duties</u>	<u>Tenant Duties</u>
<p>Some Incidents give rise for eviction. Michigan Statute 600.5714</p> <p>24-HOUR NOTICE is required for the following reason: a) Illegal drug activity and formal police report filed (lease provision must allow for termination).</p> <p>7-DAY NOTICE is required for the following reasons: a) Nonpayment of rent; b) Extensive and continuing physical injury to property c) Serious and continuing health hazard</p> <p>30-DAY NOTICE is required for the following reasons: a) Violation of a lease provision and the lease allows for termination; b) Forceful entry OR peaceful entry, but forceful stay OR trespass; c) Holding over after natural expiration of lease term; d) Just cause for terminating tenant of mobile home park; e) Just cause for terminating tenant of government subsidized housing.</p>	<p>Provide proper notice of intent to evict. Michigan Statutes 600.5716, 600.5718 Forms DC 100a, DC 100c (from the court)</p> <p>The notice MUST: a) Be in writing; b) Be addressed to the tenant; c) Describe the rental property (address is sufficient); d) Give reason for eviction; e) State the time for the tenant to take remedial action; f) Include the landlord's signature; and g) Include date.</p> <p>The notice MUST be delivered a) In person to the tenant, OR b) At the rental property, to a member of tenant's household—of suitable age—requesting that it be delivered to the tenant, OR c) By sending it through first class mail addressed to the tenant, OR d) By electronic service if the tenant has specifically consented to electronic service in writing, and if the consent or confirmation of the consent has been sent by one party and affirmatively replied to by the other party via electronic submission.</p>	<p>Read the notice. Certain reasons for eviction can be cured (e.g., nonpayment of rent can be cured by paying the rent). Certain other reasons cannot be cured, and the tenant must move out (e.g., breach of lease, illegal drug activity). Otherwise, you may be sued.</p> <p><i>Recommendation:</i> Contact the landlord to peacefully discuss his or her reasons for eviction. Try to work things out to remain in the rental property.</p>

Eviction Timeline

<u>Eviction Timeline</u>	<u>Landlord Duties</u>	<u>Tenant Duties</u>
<p>BEGIN THE LAWSUIT: After the time period in the notice has expired—either 7 or 30 days—if things cannot be worked out: The landlord will file with the district court and serve on the tenant a Summons and Complaint.</p> <p>Michigan Statute 600.5735</p>	<p>The Summons. The Summons Commands the tenant to appear at the court for trial. Michigan Court Rule 4.201(C) Form DC 104 (from the court)</p> <p>The Complaint. The Complaint gives further notice of the cause of action, or grounds, for the eviction. The landlord MUST attach the following</p> <ul style="list-style-type: none"> a) A copy of the lease; AND b) A copy of the notice of intent to evict – stating when and how it was delivered <p>Michigan Court Rule 4.20 (B) Forms DC 102a, DC 102c (from the court)</p> <p>The Summons and Complaint MUST be delivered (and proof of how and when they were delivered must be filed with the court) to the tenant BY MAIL AND ONE OTHER WAY:</p> <ul style="list-style-type: none"> a) Personally, OR b) Sent by mail – certified, return-receipt, restricted delivery, OR c) At the rental property, to a member of the tenant’s household—of suitable age—requesting that it be delivered to the tenant, OR d) After diligent attempts at personal service, by securely attaching the papers to the main entrance of the rental unit. <p>Michigan Court Rule 4.201(D)</p>	<p>The Summons will have a date and time ordering the Tenant to appear in court. As the Summons commands, you MUST appear at the court for this hearing. You MUST appear at the court hearing. You should answer the Complaint by the date on the Summons. You can do this either in writing OR orally at the hearing.</p> <p><i>Recommendation:</i> It is best to contact a lawyer to help you through this process</p>

Eviction Timeline

<u>Eviction Timeline</u>	<u>Landlord Duties</u>	<u>Tenant Duties</u>
<p>Trial: Within 10 days there will be a trial/hearing. Michigan Court Rule 4.201(F) If either party appears without an attorney, but requests to retain one, the judge will generally adjourn the trial hearing for 7 days.</p>	<p>You have a right to an attorney; you may ask for time to retain one.</p> <p>Generally, the judge will adjourn for 7 days. You have a right to a jury trial; however, you must demand it in the Complaint and pay the jury fee. (The fee starts at \$50 and goes up depending on the amount in controversy.)</p> <p>Provide testimony, documents, and other evidence that you are lawfully entitled to recover possession of your rental property</p>	<p>You must appear and answer the Complaint.</p> <p>You have a right to an attorney; you may ask for time to retain one. Generally, the judge will adjourn for 7 days. You have a right to a jury trial; however, you must demand it in your first response—written or oral—and pay the jury fee. (The fee starts at \$50.) However, a proposed amendment is before the Supreme Court of Michigan that would allow a jury demand to be made up to 2 days before the scheduled trial. Defending the landlord's claim may require you to testify and provide documents and other evidence of why you should be entitled to remain in possession of the rental property.</p>
<p>APPEAL: Within 10 days after judgment, either party may appeal the judge's decision. The party appealing the judge's decision must pay an appeal bond, filing fees, and transcript fees to preserve the appeal and stop the Writ of Eviction from being issued. Michigan Court Rule 4.201(N)</p>	<p>Decide quickly whether to appeal</p>	<p>Decide quickly whether to appeal</p>

Eviction Timeline

<u>Eviction Timeline</u>	<u>Landlord Duties</u>	<u>Tenant Duties</u>
<p>EVICTON: After 10 days—a Writ of Eviction may be requested, issued, and executed.</p> <p>Michigan Statute 600.5744(4); Michigan Court Rule 4.201(L)</p> <p>Issuance: Issuance must occur within 56 days after judgment is entered and must be executed no later than 56 days after the writ is issued.</p> <p>Important: Certain situations may allow issuance of a Writ of Eviction Immediately. Michigan Statute 600.5744(2)</p>	<p>Once the Sheriff executes the Writ, you regain possession of your rental property</p>	<p>If reason for eviction was for nonpayment of rent, full payment of the rent, plus fees and costs awarded, may stop the issuance of the Writ of Eviction. Partial payment will not stop the issuance of the Writ.</p> <p>Warning: Other reasons for eviction may not be cured by payment and you must move out before the sheriff executes the Writ and moves things out for you.</p>