

Eviction Timeline

Eviction Timeline	Landlord's Duties	Tenant's Duties
<p>Some incident gives rise for eviction. Michigan Statute: 600.5714</p> <p>7-DAY NOTICE is required for the following reasons:</p> <ol style="list-style-type: none"> a) Nonpayment of rent; b) Extensive and continuing physical injury to property; c) Serious and continuing health hazard; d) Illegal drug activity and formal police report filed (lease provision must allow for termination). <p>30-DAY NOTICE is required for the following reasons:</p> <ol style="list-style-type: none"> 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>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:</p> <ol style="list-style-type: none"> 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 Tenant to take remedial action; f) Include Landlord's signature; and g) Include date. <p>The notice MUST be delivered:</p> <ol style="list-style-type: none"> 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. 	<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 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>
<p>BEGIN THE LAWSUIT: After the time period in the notice has expired—either 7 or 30 days—if things cannot be worked out:</p> <p>File with the district court and serve on the Tenant a Summons and Complaint. Michigan Statute: 554.5735</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. Landlord MUST attach the following:</p> <ol 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 4.201(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> <ol style="list-style-type: none"> a) Personally, OR b) Sent by mail—certified, return-receipt, restricted delivery, OR d) At the rental property, to a member of Tenant's household—of suitable age—requesting that it be delivered to the Tenant, OR e) After diligent attempts at personal service, by securely attaching the papers to the main entrance of the rental property 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 in court for this hearing.</p> <p>You MUST appear and 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 (cont.)	Landlord's Duties (cont.)	Tenant's Duties (cont.)
<p>TRIAL: Within 10 days there will be a trial/hearing. Michigan Court Rule 4.201(F).</p> <p>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. 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 \$40 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><i>Recommendation:</i> Dress nicely, be prepared, and be respectful of the legal process.</p>	<p>You must appear and answer the Complaint. 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 \$40 and goes up depending on the amount in controversy.)</p> <p>Defending 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><i>Recommendation:</i> Dress nicely, be prepared, and be respectful of the legal process.</p>
<p>JUDGMENT: After trial, the judge or jury will render a decision either in favor of the:</p> <ul style="list-style-type: none"> a) Landlord (evicting the Tenant), OR b) Tenant (allowing him or her to remain in possession). <p>A money award may also be entered for damages incurred by either party. Michigan Court Rule 4.201(K).</p>	<p>If judgment is for you, the Landlord, it may include an award for any money due and for costs. You may begin collections on the money judgment if Tenant does not otherwise pay or appeal. You will have to wait to regain possession by requesting a Writ of Eviction. Michigan Statute 600.5741.</p> <p>If judgment is for the Tenant, he or she may remain in possession of your rental property.</p>	<p>If judgment is for you, the Tenant, you may remain in possession of the rental property. Michigan Statute 600.5747.</p> <p>If judgment is for the Landlord, you must either:</p> <ul style="list-style-type: none"> a) Make <i>full</i> payment (if the eviction can be cured by payment), OR b) Settle the dispute, OR c) Move out, OR d) Appeal the judge's decision.
<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>
<p>EVICITION: After 10 days—a Writ of Eviction may be requested, issued, and executed. Michigan Court Rule 4.201(L).</p>	<p>Once the sheriff executes the Writ, you regain possession of your rental property.</p>	<p>If the reason for the eviction was 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>

**FROM START TO FINISH—
IT CAN TAKE
AS FEW AS 27 DAYS OR AS MANY AS 57 DAYS
TO EVICT A TENANT!**