

Form DC 100e

DEMAND FOR POSSESSION TERMINATION OF TENANCY DUE TO UNLAWFUL DRUG ACTIVITY ON PREMISES

Use this form to give notice to a tenant when you want to start eviction proceedings against a tenant for unlawful drug activity on premises.

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/evictda_help.htm? YES
2. Make sure your lease contains a clause providing for termination of tenancy for illegal drug activity on the premises? If it does not, you cannot evict for unlawful drug activity on the premises. YES
3. File a formal police report alleging that the tenant or some other person under the tenant's control has unlawfully manufactured, delivered, or possessed illegal drugs on the leased premises? If not, you cannot evict for unlawful drug activity on the premises. YES
4. Complete the notice form? YES
5. Sign the notice form? YES
6. Deliver the "Tenant's copy" of the notice to the tenant? YES
7. 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/evictda_help.htm.

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

»» DEFINITION

Demand for Possession, Termination of Tenancy Due to Unlawful Drug Activity on Premises

This particular demand for possession is used when the landlord has terminated the tenancy and wants the tenant to move out or vacate the premises because of unlawful drug activity on the rental property.

»» 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 DUE TO UNLAWFUL DRUG ACTIVITY ON PREMISES"

Please print neatly. After filling in the form, you will need to print both copies of the form.

Items A through E must be completed before delivering your demand 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 demand. 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** 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.

- E** On the date you deliver the demand, write in the date. Write in the name of the person to whom you delivered the demand. Check the box in front of the statement that best describes how you delivered the demand. Sign your name.

You should read this booklet and the information on the Self-Help Center at http://courts.michigan.gov/scao/selfhelp/landlord/evictda_help.htm for directions on the legal process.

STATE OF MICHIGAN	DEMAND FOR POSSESSION TERMINATION OF TENANCY DUE TO UNLAWFUL DRUG ACTIVITY ON PREMISES Landlord-Tenant	
--------------------------	---------------------------------------------------------------------------------------------------------------------------	--

A

TO:

--	--

B

1. Your landlord/landlady, _____, is terminating your tenancy and wants to evict you from:

Name (type or print)

C

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

because you have willfully or negligently caused unlawful drug activity at the leased premises.

2. You must move within 24 hours from the date this notice was served or your landlord/landlady may take you to court to evict you.
3. If your landlord/landlady takes you to court to evict you, you will have the opportunity to present reasons why you believe you should not be evicted.
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.

D

Date

Signature of owner of premises or agent

Address

City, state, zip Telephone no.

E

CERTIFICATE OF SERVICE

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 DUE TO UNLAWFUL DRUG ACTIVITY ON PREMISES Landlord-Tenant	
--------------------------	---------------------------------------------------------------------------------------------------------------------------	--

TO:

1. Your landlord/landlady, _____, is terminating your tenancy and wants to
Name (type or print)

evict you from:

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

because you have willfully or negligently caused unlawful drug activity at the leased premises.

2. You must move within 24 hours from the date this notice was served or your landlord/landlady may take you to court to evict you.
3. If your landlord/landlady takes you to court to evict you, you will have the opportunity to present reasons why you believe you should not be evicted.
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 of premises or agent

Address

City, state, zip

Telephone no.

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.

Tenant's copy