

LANDLORD ~ TENANT CASES

WHO MAY FILE A CLAIM?

<i>IF PLAINTIFF IS</i>	<i>... MAY FILE & APPEAR IN COURT</i>
Owner	Attorney or Owner
Owner & Management Co.	Attorney or Owner
Partnership	Attorney or one of the Partners
LLC	Attorney
Corporation	Attorney

WHERE DO I GET THE FORMS TO FILE A CLAIM?

The forms may be obtained from the 12th District Court Civil Division, (located on the 1st floor of the Jackson County Courthouse), the 12th District Court Website www.d12.com, at any office supply business that sells legal forms, or online at www.courts.michigan.gov.

WHERE TO START:

1. Plaintiff must determine what type of **Notice to Quit** to serve:
 - a. **Demand for Possession Non-Payment of Rent – form dc100a**
 - i. A 7-day notice; the defendant pays, then the defendant stays
 - b. **Termination of Tenancy – form dc100c**
 - i. Once served, the defendant has 30 days to vacate the property, or a suit can be filed.
 - ii. This form is also used for drugs on the premises and/or known drug houses. A police report must accompany a suit in which the plaintiff is requesting a 24-hour eviction after judgment.
 - c. **Health Hazard/Injury to Premises – form dc100b**
 - i. A 7-day notice; used if a tenant has created a health hazard, or damage to the property.
2. The Notice to Quit must be **served**:
 - a. Personally
 - b. By a process server
 - c. By U.S. mail
 - d. Days begin to count on the day after service.
3. After the proper time period, and if the defendant has not complied, the plaintiff may file a Summons & Complaint:
 - a. File for possession;
 - b. File for possession and money ~ must have **PERSONAL SERVICE** in order to obtain a money judgment.

HOW MUCH DOES IT COST TO FILE A LANDLORD~TENANT SUIT?

The amount of your claim determines the [filing fee](#). Below is a breakdown of costs that are predetermined by statute. Please note, when you are seeking a money judgment, *you must also pay the statutory fee for possession*. The graph below illustrates the fee for possession first and the fee for a money judgment claim second. If you intend to utilize a process server, you will be expected to pay a server fee upon billing.

FEE DESCRIPTION	FILING FEE	TOTAL FEE
Possession only	\$55	\$55
Possession + Money Judgment \$0 - \$600	\$55 + \$35	\$90
Possession + Money Judgment \$601 – \$1,750	\$55 + 55	\$110
Possession + Money Judgment \$1,751 - \$10,000	\$55 + 75	\$130
Possession + Money Judgment \$10,0001 - \$25,000	\$55 + 160	\$215

PROPER PAPERWORK TO FILE:

1. Five copies of the Summons – [form dc104](#);
2. Four copies of the Complaint – Complaint must match Notice to Quit;
 - a. Complaint Health Hazard, Injury to Premises – [form dc102b](#)
 - b. Complaint Non Payment of Rent – [form dc102a](#)
 - c. Complaint Termination of Tenancy – [form dc102c](#)
3. The original copy of the Demand (**Notice to Quit**);
4. Two extra copies of the Summons & Complaint for each additional defendant;
5. Stamped, addressed envelopes for the plaintiff and each defendant.

SERVICE

1. If there is a process server you would like to use, write his/her name at the top of the Summons & Complaint, otherwise your paperwork will be given to a court-approved process server on a rotation basis.
2. Personal Service: Served upon the defendant personally.
3. Service by Attachment: A Process Server may only serve by attachment after 3 attempts of personal service. **NOTE: This may only be done for possession.**
4. The process server will return served documents within 24-hours after service.

ANSWERS

1. A process server will serve a copy of the Summons, Complaint, and Answer Instruction Form upon the defendant.
2. If the defendant files a written Answer within five days of service, a hearing will be scheduled, and each party will receive a notice to appear via first class mail.
3. The Court will accept an answer after the 5th day of service if the Default Notice has not yet been filed.

DEFAULT

1. If the defendant has not filed an **Answer** in the time frame allotted, the plaintiff may file a **Default Notice & Request for Entry of Judgment/Dismissal (DC12)** on the 6th day after service. **NOTE: this is for possession.** This form is located on www.d12.com.
2. Ensure that the proper box is checked – refer to your original **Notice to Quit**.

POINTS TO REMEMBER:

1. You will **not** receive a court date at the time of filing.
2. Prior to a Default Notice, the court clerks will accept **ALL ANSWERS** filed by the defendant, and a court date will automatically be scheduled. Court clerks do not have the authority to determine if a defendant has a legitimate defense.
3. Have your paperwork, including the case number, available when contacting the Court.
4. The court clerks are available to offer assistance in processing your landlord tenant claim; however, they are **NOT** attorneys and are prohibited by law to give legal advice. Legal advice may be obtained by contacting an attorney or Legal Aid.
5. The Court does **NOT** collect money owed to the plaintiff after a money judgment is obtained.
6. To collect money – see ***HOW TO COLLECT MONEY*** instruction form.
7. Forms may be obtained at the civil window, or by visiting the following web pages:
 - a. www.courts.michigan.gov
 - b. www.d12.com