

## CHAPTER 504

## LANDLORDS AND TENANTS

Sec.		Sec.	
504.01	Distress for rent	504.05	Rent liability; destroyed untenable tenements
504.02	Cancellation of leases in certain cases; abandonment or surrender of possession	504.06	Estate at will, how determined; notice
504.03	Tenant may not deny title; exception	504.07	Urban real estate; holding over
504.04	Person in possession liable for rent; evidence	504.08	Notice to be given of vacation of building
		504.09	Notice of cancellation of leases

**504.01 DISTRESS FOR RENT.** The remedy by distress for rent is abolished.  
[R. L. s. 3327] (8186)

**504.02 CANCELANON OF LEASES IN CERTAIN CASES; ABANDONMENT OR SURRENDER OF POSSESSION.** In case of a lease of real property, when the landlord has a subsisting right of reentry for the failure of the tenant to pay rent he may bring an action to recover possession of the property and such action is equivalent to a demand for the rent and a reentry upon the property; but if, at any time before possession has been delivered to the plaintiff on recovery in the action, the lessee or his successor in interest as to the whole or any part of the property pays to the plaintiff or brings into court the amount of the rent then in arrears, with interest and costs of the action, and an attorney's fee not exceeding \$5, and performs the other covenants on the part of the lessee, he may be restored to the possession and hold the property according to the terms of the original lease.

If the lease under which the right of reentry is claimed is a lease for a term of more than 20 years, reentry cannot be made into the land or such action commenced by the landlord unless, after default, he shall serve upon the tenant, also upon all creditors having a lien of record legal or equitable upon the leased premises or any part thereof, a written notice that the lease will be canceled and terminated unless the payment or payments in default shall be made and the covenants in default shall be performed within 30 days after the service of such notice, or within such greater period as the lessor shall specify in the notice, and if such default shall not be removed within the period specified within the notice, then the right of reentry shall be complete at the expiration of the period and may be exercised as provided by law. If any such lease shall provide that the landlord, after default, shall give more than 30 days' notice in writing to the tenant of his intention to terminate the tenancy by reason of default in terms thereof, then the length of the notice to terminate shall be the same as provided for and required by the lease.

As to such leases for a term of more than 20 years, if at any time before the expiration of six months after possession obtained by the plaintiff by abandonment or surrender of possession by the tenant or on recovery in the action, the lessee or his successor in interest as to the whole or part of the property, or any creditor having a lien legal or equitable upon the leased premises or any part thereof, pays to the plaintiff, or brings into court, the amount of rent then in arrears, with interest and the costs of the action, and performs the other covenants on the part of the lessee, he may be restored to the possession and hold the property according to the terms of the original lease. The provisions of this section shall not apply to any action or proceeding now pending in any of the courts of this state.

Upon recovery of possession by the landlord in the action a certified copy of the judgment shall be recorded in the office of the register of deeds of the county where the land is situated if unregistered land or in the office of the registrar of titles of such county if registered land and upon recovery of possession by the landlord by abandonment or surrender by the tenant an affidavit by the landlord or his attorney setting forth such fact shall be recorded in a like manner and such recorded certified copy of such judgment or such recorded affidavit shall be prima facie evidence of the facts stated therein in reference to the recovery of possession by such landlord.

[R. L. s. 3328; 1917 c. 428 s. 1; 1923 c. 76 s. 1; 1937 c. 38 s. 1] (8187)

**504.03 TENANT MAY NOT DENY TITLE; EXCEPTION.** When any person enters into the possession of real property under a lawful lease he shall not while

so in possession deny the title of his landlord in an action brought by such landlord, or any person claiming under him, to recover possession of the property; but such estoppel shall not apply to any lessee who, at and prior to the lease, is in possession of the premises under a claim of title adverse or hostile to that of the lessor.

[R. L. s. 3329] (8188)

**504.04 PERSON IN POSSESSION LIABLE FOR RENT; EVIDENCE.** Every person in possession of land out of which any rent is due, whether it was originally demised in fee, or for any other estate of freehold or for any term of years, shall be liable for the amount or proportion of rent due from the land in his possession, although it be only a part of the land originally demised. Such rent may be recovered in a civil action, and the deed, demise, or other instrument showing the provisions of the lease may be used in evidence by either party to prove the amount due from the defendant. Nothing herein contained shall deprive landlords of any other legal remedy for the recovery of rent, whether secured to them by their leases or provided by law.

[R. L. s. 3330] (8189)

**504.05 RENT LIABILITY; DESTROYED UNTENANTABLE TENEMENTS.** The lessee or occupant of any building which, without fault or neglect on his part, is destroyed or is so injured by the elements or any other cause as to be untenable or unfit for occupancy, is not liable thereafter to pay rent to the lessor or owner thereof, unless otherwise expressly provided by written agreement; and the lessee or occupant may thereupon quit and surrender possession of such premises.

[R. L. s. 3331] (8190)

**504.06 ESTATE AT WILL, HOW DETERMINED; NOTICE.** Estates at will may be determined by either party by three months' notice in writing for that purpose given to the other party, and, when the rent reserved is payable at periods of less than three months, the time of such notice shall be sufficient if it be equal to the interval between the times of payment; and, in all cases of neglect or refusal to pay the rent due on a lease at will, 14 days' notice in writing to quit, given by the landlord to the tenant, is sufficient to determine the lease.

[R. L. s. 3332] (8191)

**504.07 URBAN REAL ESTATE; HOLDING OVER.** When the lessee or tenant of urban real estate, or any interest therein, holds over and retains possession thereof after expiration of the term of the lease without express contract with the owner, no tenancy for any other period than the shortest interval between the times of payment of rent under the terms of the expired lease shall be implied.

[R. L. s. 3333] (8193)

**504.08 NOTICE TO BE GIVEN OF VACATION OF BUILDING.** Every person who shall, between the 15th day of November and the 15th day of April following, remove from, abandon, or vacate any building, or part thereof, occupied by him, or in his possession, as tenant, except upon the termination of his tenancy, and which contains any plumbing, water, steam, or other pipe liable to injury from freezing, without first giving to the landlord, owner, or agent in charge of such building three days' notice of his intention so to remove shall be guilty of a misdemeanor.

[1915 c. 213 s. 1] (8194)

**504.09 NOTICE OF CANCELANATION OF LEASES.** When a notice of the cancellation or termination of a lease of real property, or a copy of the notice, with proof of service thereof, and the affidavit of the lessor, his agent or attorney, showing that the lessee has not complied with the terms of the notice, shall be presented for recording at the office of the register of deeds in which the lease has been duly recorded, it shall be the duty of the register of deeds to record the notice, proof of service thereof and affidavit, and the record thereof shall be prima facie evidence of the facts therein stated.

[1921 c. 394 s. 1] (8192)

**504.10-504.17** [Obsolete]