

PUBLIC DISCLAIMER

This information is provided as a courtesy only. The court, self-help center, not-profit organization, or law library that may provide this information shall not be liable for errors contained herein or for direct, indirect, special or consequential damages in connection with the furnishing of this material. There is no guarantee that using this packet will lead to success. Each Justice of the Peace is entitled to interpret the law and weigh the evidence in each case.

The court clerk is not permitted to give legal advice to you.

This packet is not intended to substitute for the advice of an attorney. You may find legal information/advice/representation from the organizations listed below.

For Tenants

Clark, Nye, Lincoln and Esmeralda Counties

Nevada Legal Services
702-386-0404
866-432-0404

City of Las Vegas Senior Citizens
Law Project (60+ years old)
702-229-6596

Washoe County

Nevada Legal Services 775-284-3491
Washoe Legal Services (private housing only) 775-329-2727
Washoe County Senior Law Project 775-328-2592

Other Counties

Nevada Legal Services
800-323-8666

For Landlords

Statewide

Lawyer Referral and Information Service
State Bar of Nevada
702-382-0504 or 800-789-5747

EVICTION INSTRUCTIONS

Notice of Eviction for any reason should be used to initiate an eviction action against the tenant. The notices must be served in accordance with NRS 40.280, and the correct proof of service must be obtained.

Complete the Notice(s) as Follows:

- Fill in the tenant name, address and telephone number.
- Provide the landlord name, address, telephone number and email address.
- Fill in the date of service.
- Provide any further information required in the Notice(s) being served.

DECLARATION OF SERVICE

Nevada law requires that any Notice of Eviction being served to the tenant for termination of their tenancy be served by the Sheriff's Office, Constable, a Licensed Processed Server or a Licensed Attorney's Agent. This is done one of three (3) ways as outlined in NRS 40.280. The document that records and proves the method of notification is the Declaration of Service.

After service has been made, **you** must bring the declaration(s) of service, attached to the Notice(s) you served, to the court when you file for a twenty-four (24) hour eviction order. Declaration of service is a paper that shows the tenant(s) received a copy of the Notice.

When you come to court, **bring everything you need to file for your eviction.** This means you must have one (1) notice (for non-payment of rent) or two (2) notices (for reasons other than non-payment of rent) with the declaration of service for each notice served, the written rental agreement if applicable, your Landlord's Complaint and the filing fee of \$51.00

REMEMBER, this is your eviction. You must prove it. It is not up to the tenant to disprove your eviction. The court will help you file the eviction, but you have to provide the information required to file.

FAILURE TO GIVE LAWFUL NOTICE MAY RESULT IN THE DISMISSAL OF THE EVICTION AND REQUIRE THAT

A NEW NOTICE PROCESS BEGIN AGAIN.

**SEVEN-DAY NOTICE OF EVICTION
FOR NON-PAYMENT OF RENT
(NRS 40.253)**

TO: _____
Tenant(s) Name

FROM: _____
Landlord's Name

Tenant(s) Name

Landlord's Name

and all occupants named tenants only

Address

Address

City, State, Zip Code

City, State, Zip Code

Telephone Number

Telephone Number

Email Address

Date of Service: _____

PLEASE TAKE NOTICE that you are in default in payment of rent for the above-described premises.

You are in default for the period *(insert beginning date covered by rent due)* _____ to
(insert ending date covered by rent due) _____.

The amount of periodic rent is *(rent may include recurring periodic utilities)*: _____.

The last date any amount of rent was paid was *(insert date of last payment)* _____
in the amount of *(amount of last rent payment made)* \$ _____.

Rental payment(s) became delinquent on *(first date rent was due but not paid)* _____.

Current rent due: *(amount of rent due for the current period)* \$ _____

Past due rent: *(rent due for previous periods)* \$ _____

Late fees: *(cannot be in excess of 5% of the periodic rent)* \$ _____

Total owed: *(the rent owed plus late fees owed)* \$ _____

Tenants are advised that information concerning the availability of mediation and government-sponsored rental assistance may be accessed at: _____.

Rental assistance is available at _____. If you have a pending application for rental assistance, or if your landlord has refused to participate in the rental assistance process or has refused to accept rental assistance on your behalf, you have the right to assert those facts as a defense to this eviction at any point in the proceedings. Should you assert this defense to the court, the court will determine if your case is designated as one that may be paused until a determination on your rental assistance application is made or until a hearing is held for you to prove the validity of your claim of the landlord's refusal.

Your landlord IS NOT IS requesting an exemption from any pause in this eviction case due to a realistic threat of foreclosure of the rental property if unable to evict you.

Additionally, if the court determines that your case is designated as one mandating mediation, you may receive an order setting a hearing and notification of mediation after you file an affidavit contesting the eviction notice. The eviction case will be paused for not more than 30 days to facilitate mediation.

SEVEN-DAY NOTICE OF EVICTION
FOR NON-PAYMENT OF RENT
(NRS 40.253)

Your failure to pay rent or vacate the premises before close of business on the seventh (7th) calendar day¹ following the date of service of this notice may result in their landlord applying to the Justice Court for an eviction order. If the Court determines that you are guilty of an unlawful detainer, the court may issue a summary order for your removal or an order providing for the non-admittance, directing the Sheriff to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the Sheriff. The Sheriff shall then remove you not earlier than 24 hours but not later than 36 hours after the posting of the order.

Pursuant to NRS 118A.390, you may seek relief if a landlord unlawfully removes you from the premises or excludes you by blocking or attempting to block your entry upon the premises, or willfully interrupts or causes or permits the interruption of any essential service required by the rental agreement or chapter 118A of the Nevada Revised Statutes.

YOU ARE HEREBY ADVISED OF YOUR RIGHT TO CONTEST THIS NOTICE by filing an Affidavit² no later than the close of business³ day on the seventh (7th) calendar day¹ following the Date of Service of this notice with the Pahrump Justice Court stating that you have tendered payment or are not in default in payment of rent. **THE AFFIDAVIT FORM AND INFORMATION MAY BE OBTAINED** at the **Pahrump Justice Court** located at **1520 East Basin Avenue, Suite 104, Pahrump, NV 89060**, or on the Court's website at <http://www.pahrumpjusticecourt.com/>.

¹ Do not include the date of service.

² To file an Affidavit, you **MUST** bring this Notice, a copy of your lease if applicable and a **\$51.00** filing fee to the address listed above.

³ The Pahrump Justice Court hours of operation are the following days and times: Monday thru Thursday 8:00 a.m. to 4:00 p.m.

DECLARATION OF SERVICE

TO: _____
Tenant(s) Name

FROM: _____
Landlord's Name

Tenant(s) Name

Landlord's Name

and all occupants named tenants only

Address

Address

City, State, Zip Code

City, State, Zip Code

Telephone Number

Telephone Number

Email Address

Check one: (must attach a copy of the Notice)

- Non-Payment of Rent** **No Cause Notice** **Breach of Contract**
 Nuisance / Waste Notice **Unlawful Detainer**

On (insert date of service) _____, I served this notice in the following manner (check only one):

- By Delivering a copy to the tenant(s) personally;
- Because the tenant(s) was absent from tenant's place of residence, by leaving a copy with *(insert name or physical description of person served)* _____, a person of suitable age and discretion, AND mailing^{1 & 2} a copy to the tenant(s) at tenant's place of residence.
- Because neither tenant nor a person of suitable age or discretion could be found there, by posting a copy in a conspicuous place on the property AND mailing^{1 & 2} a copy to the tenant(s) at the place where the property is situated.

I declare under penalty of perjury under the laws of the State of Nevada the foregoing is true and correct.

(Date)

(Officer's Name)

(Badge #)

(Officer's Signature)

OR

(Date)

(Server's Name)

(License #)³

(Officer's Signature)

1 When notice is also mailed you cannot count date of service in the computation, and you must add an additional three (3) calendar days for mailing (JCRCPC 6(d)).

2 If mailing of notice is used you must file with the court a "certificate of mailing" issued by the United States Post Office per NRS 40.280(3).

3. A server who does not have a badge or license number may be an agent of an attorney licensed in Nevada. Notices served by agents must also include an attorney declaration as proof of service.

JUSTICE / MUNICIPAL CIVIL COURT COVER SHEET

Pahrump Township, Nye County, Nevada

Case No. _____
(Assigned by Clerk's office)

Interpreter Needed: No Yes Language: _____

I. Party Information *(provide both home and mailing addresses if different)*

Plaintiff(s) (name/address/phone):	Defendant(s) (name/address/phone):
E-mail Address	E-mail Address
Attorney (name/address/phone):	Attorney (name/address/phone):
Law Firm / Bar #	Law Firm / Bar #
E-mail Address	E-mail Address

I. Nature of Controversy *(please select the one most applicable filing type below)*

Civil Case Filing Types

Real Property	Torts	Protection Orders
<p>Real Property</p> <input type="checkbox"/> Landlord/Tenant (Summary Eviction) <input type="checkbox"/> Unlawful Detainer Complaint (Writs of Restitution) <input type="checkbox"/> Other Real Property	<p>Negligence</p> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <p>Other Torts</p> <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Other Torts	<p>Protection Order</p> <input type="checkbox"/> Request for Domestic Violence Protective Order <input type="checkbox"/> Request for Protection Order (Non-Domestic Violence) <input type="checkbox"/> Sexual Assault Related <input type="checkbox"/> Request for High Risk Protective Order <p>Protection Order-Extension Request</p> <input type="checkbox"/> Request for Extended Domestic Violence Protective Order <input type="checkbox"/> Request for Extended Protective Order (Non-Domestic Violence) <input type="checkbox"/> Request for Extended High Risk Protective Order
<p style="text-align: center;">Contract Case</p> <p>Seller Plaintiff (Debt Collection)</p> <input type="checkbox"/> Credit Card Collection <input type="checkbox"/> Payday Loan Collection <input type="checkbox"/> Debt Collection Agency <input type="checkbox"/> Other Debt Collection <p>Other Contract Case</p> <input type="checkbox"/> Contract Buyer Plaintiff <input type="checkbox"/> Other Contract Case	<p style="text-align: center;">Other Civil Filings</p> <p>Other Civil Filing</p> <input type="checkbox"/> Contested Liens Case <input type="checkbox"/> District Court Order to Seal Records <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Other Civil Matters	

_____ Date

_____ Signature of initiating party or representative

1 Case No. _____

2 Dept. _____

3
4 IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP
5 COUNTY OF NYE, STATE OF NEVADA
6 * * * * *

7 _____,

8 Landlord(s),

**LANDLORD'S COMPLAINT FOR
SUMMARY EVICTION FOR
NON-PAYMENT OF RENT**

9 vs

10 _____,

11 Tenant(s). /

12 _____
13 Landlord or Landlord's authorized agent states as follows pursuant to NRS 40.253:

14 1. I am the (check one box) owner or owner's agent of the rental premises located at
15 (insert rental's address, including city, state and zip) _____

16 _____
17 2. The tenancy started on (insert date) _____.

18 3. The amount of the Tenant's rent is (insert amount) \$ _____ per (check box)
19 month, week, or other (specify) _____.

20 4. Tenant paid the following deposits (insert amounts): Rent deposit of \$ _____,
21 security deposit of \$ _____, and cleaning deposit of \$ _____.

22 5. Tenant's rent became delinquent on (insert date) _____, and
23 Tenant has remained in possession without paying rent since that date.

24 6. I verified Tenant continued in possession of the rental premises following the expiration of
25 the Seven Day Notice to Pay Rent or Quit on (insert date you checked rental property) _____.

26 _____.

1
2 7. Tenant owes the following amounts:

3 \$ _____ in periodic rent

4 \$ _____ in late fees

5 \$ _____ TOTAL now due and delinquent.

6 8. Tenant was served with a written notice to pay rent or quit on *(insert date notice was served)*
7 _____ in compliance with NRS 40.280, and a copy of that notice and proof of service
8 is attached or submitted with this complaint.

9 9. Tenant *(check one box)* did *not* sign a written rental agreement, or did sign a written
10 rental agreement, and a copy of that agreement is attached or submitted with this complaint.

11 10. Tenant's rent *(check one box)* is not, or is subsidized by a public housing authority or
12 governmental agency, and a copy of the Housing Assistance Payment Contract (or "HAP") is
13 attached or submitted with this complaint, and I have provided Southern Nevada Regional Housing
14 Authority with a copy of the eviction notice pursuant to 24 C.F.R. § 982.310(e)(2)(ii).

15 11. I do not do request to mediate this issue. *(Answer the following questions even if you are*
16 *not requesting mediation).*

17 12. If sent to mediation, I prefer *(check one box)* an in-person mediation a telephonic
18 mediation a video-conference mediation.

19 13. The following individual has the authority to settle the case and would participate in
20 mediation if mediation proceeds. *(check all that apply)* myself other individual with authority:
21 *(write the names of all the individuals with authority who plan to be at the mediation)*
22 _____

23 14. The mediator may contact me/the individual with settlement authority at the following.

24 Phone number: *(insert the best phone number for the mediator to make contact)*

25 _____ - _____ - _____
26

1 Email: *(insert the best email for the mediator to make contact)*

2 _____

3 Mailing Address: *(insert the best mailing address for the mediator to make contact)*

4 *(Street Address):* _____

5 *(City, State, Zip):* _____

6 15. I am moving for an exemption from a stay of this case due to a realistic threat of
7 foreclosure. The following facts demonstrate that I am facing a realistic threat that the rental
8 property will be foreclosed upon unless I am able to evict the tenant *(describe what facts that show the*
9 *threat of foreclosure):*

10 _____
11 _____

12 16. I am moving to rebut Tenant's affirmative defense regarding a pending rental
13 assistance application, based on the following facts: *(describe what facts support your rebuttal to the*
14 *affirmative defense):*

15 _____
16 _____

17 Tenant has not complied with the obligations of tenants set forth in Chapter 118A of the NRS
18 by defaulting on the rent. THEREFORE, Landlord asks the Court to enter a date for mediation, or
19 alternatively, an Order for Summary Eviction of Tenant.

20 I declare under penalty of perjury the laws of the State of Nevada that the foregoing is true
21 and correct.

22
23 _____
(Date)

(Print Name)

(Signature)