

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.

FIVE-DAY NOTICE TO CORRECT LEASE VIOLATIONS OR QUIT
(NRS 40.2516)

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 have neglected or failed to perform a condition or covenant of your lease or rental agreement as follows *(describe in detail specific lease violation(s) alleged, with citation to applicable page and paragraph of lease)*:

(attach additional pages if necessary).

You must either vacate the premises or correct the violations described above no later than five (5) calendar days¹ following the Date of Service of this notice. If you do not comply with this notice, your possession of the premises will be unlawful (called "unlawful detainer"), and your landlord may initiate an eviction against you by either serving you with a Five-Day Notice to Quit for Unlawful Detainer or a Summons and Complaint for Unlawful Detainer. Within five (5) calendar days¹ after the Date of Service of this notice, you may perform the condition or covenant and thereby save the lease from forfeiture, unless the covenants and conditions cannot afterwards be performed. 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 your non-admittance, directing the sheriff or constable to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable 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 an essential service required by the rental agreement or chapter 118A of the Nevada Revised Statutes.

Pursuant to NRS 40.251, if you receive this notice during a government shutdown and you are a federal worker, tribal worker, state worker, or household member of such a worker, you may request to be allowed to continue in possession during the period commencing on the date on which a shutdown begins and ending on the date that is 30 days after the date on which the shutdown ends by submitting a written request for the extended period and providing proof that you are a federal worker, tribal worker, state worker, or household member of such a worker during a shutdown. The landlord who receives this request shall allow you to continue in possession for the period requested unless the court orders otherwise.

¹ Do not include the date of service.

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(a)).

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.

FIVE-DAY NOTICE OF UNLAWFUL DETAINER
(NRS 40.254)

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: _____

YOU ARE GUILTY OF AN UNLAWFUL DETAINER.
YOU ARE REQUIRED TO QUIT (OR LEAVE) THE PREMISES.

YOU MAY CONTEST THIS NOTICE and state the reasons you are not guilty of an unlawful detainer by filing an Affidavit (or Answer) before the court's close of business on the fifth (5th) full day^{1 & 3} following the Date of Service of this notice, with the Justice Court for the Pahrump Township, stating that you are not guilty of an unlawful detainer.

The Pahrump Justice Court is located at:

**1520 East Basin Avenue
Pahrump, Nevada 89060**

YOU CAN OBTAIN AN AFFIDAVIT/ANSWER² FORM AND INFORMATION at the Pahrump Justice Court located at the Ian Deutch Government Complex in downtown Pahrump, or on its website, www.pahrumpjusticecourt.com.

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 your non-admittance, directing the sheriff or constable to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall then remove you not earlier than 24 hours but not later than 36 hours after the posting of the order. You may request that the court stay the execution of the order for removal or non-admittance for a period of no more than 10 days by stating the reasons why a stay is warranted.

Pursuant to NRS 118A.390, you may seek relief if a landlord unlawfully removes you from the premises or excludes them 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.

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 dates and times: Monday thru Thursday 8:00 a.m. to 4:00 p.m.

FIVE-DAY NOTICE OF UNLAWFUL DETAINER
(NRS 40.254)

If you are in default in the payment of rent, ***rental assistance is available at*** _____
_____. If you have a pending application or 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, mediation programs are available, and if the court determines that your case is designated as one mandating mediation, the following may occur: _____
_____. The eviction case will be paused for not more than 30 days to facilitate mediation.

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

1 Do not include the date of service.

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Landlord's Name

Tenant(s) Name

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and all occupants named tenants only

Address

Address

City, State, Zip Code

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Telephone Number

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

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 Nuisance / Waste Notice **Unlawful Detainer**

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

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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 **LANDLORD'S
8 COMPLAINT FOR
9 SUMMARY EVICTION**

_____ ,

Landlord(s),

vs

- No Cause
- Tenancy-At-Will
- Perform Lease Condition
- Nuisance/Waste/Assigning/Subletting
Unlawful Business/Drug Violation

_____ ,

Tenant(s). /

12
13 Landlord or Landlord's authorized agent states as follows pursuant to NRS 40.254:

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, zip) _____

16 _____, in the township of Pahrump, Nevada.

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

18 3. The tenancy is (check one box) periodic month to month, periodic week to week,
19 fixed term with the tenancy ending on (insert date tenancy ends) _____

20 tenancy at will, or other (describe) _____.

21 4. Tenant has not complied with the terms of the rental agreement or with the obligations of
22 tenants set forth in Chapter 118A of the NRS as follows (describe tenant's violation):

23 _____

24 _____

25 ///

26 ///

1 5. Tenant was served with a written notice to quit on *(insert date notice served)*
2 _____ in compliance with NRS 40.280, and a copy of that notice is attached or
3 submitted with this complaint.

4 6. I examined the rental property on *(insert date you checked rental property)*
5 _____ and Tenant remained in possession, in addition, if Tenant was served with a
6 Five-Day Notice to Perform Lease Condition or Quit, Tenant did not perform that lease condition
7 as of the date of my examination.

8 7. I do not do request to mediate this issue. *(Answer the following questions even if you are not*
9 *requesting mediation.)*

10 8. If sent to mediation, I prefer *(check one box)* an in-person mediation a telephonic
11 mediation a video-conference mediation.

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

15 _____

16 10. The mediator may contact me/the individual with settlement authority at the following.

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

18 _____ - _____ - _____

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

20 _____

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

22 *(Street Address):* _____

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

24 11. Tenant is *not* is in default of rent. *(If tenant is not in default, move on to signature line of the*
25 *form.)*

26 a. I am moving for an exemption from a stay of this case due to a realistic threat of
foreclosure. The following facts demonstrate that I am facing a realistic threat that the

1 rental property will be foreclosed upon unless I am able to evict the tenant (*describe*
2 *what facts that show threat of foreclosure*): _____

3 _____
4 _____.

5 b. I am moving to rebut Tenant's affirmative defense regarding a pending rental
6 assistance application based on the following facts: (*describe what facts support your*
7 *rebuttal to the affirmative defense*): _____

8 _____
9 _____.

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

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

16 THEREFORE, Landlord asks the Court to enter an Order for Summary Eviction of Tenant.

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

19
20 _____
21 (*Date*)

22 _____
23 (*Print Name*)

24 _____
25 (*Signature*)
26