

1 JUSTICE COURT, LAS VEGAS TOWNSHIP
2 CLARK COUNTY, NEVADA

3 _____,
4 Plaintiff,
5 vs.

6 _____,
7 Defendant.

Case No.: _____
Dept. No.: 7

VERIFIED PETITION FOR ORDER
FOR RECOVERY FROM THE REAL
ESTATE EDUCATION, RESEARCH,
AND RECOVERY FUND
("FUND")

8 The above-named Plaintiff hereby files this Petition for an Order for Recovery from the
9 Real Estate Education, Research, and Recovery Fund ("Fund"). Plaintiff acknowledges that all
10 the following statutory requirements relating to the Petition have been satisfied or will be
satisfied by the time of the hearing on the Petition:

11 I. Entry of Judgment

12 The Court entered Judgment in favor of the Plaintiff on the following date:

13 _____, 20____,

14 and the Judgment was entered against the above-named Defendant who is a licensee
15 under NRS Chapter 645 based upon fraud, misrepresentation, or deceit with reference to
a transaction for which a license is required pursuant to NRS Chapter 645.

16 II. Proofs of Service

17 Plaintiff has filed (or will file prior to the granting of this Petition) copies of the following
18 affidavits of proof of service:

- 19 (1) Proof of service of this **Petition** upon Defendant.
20 (2) Proof of service of this **Petition** upon the Real Estate Administrator.
21 (3) Proof of service of the **Judgment** upon Defendant.
22 (4) Proof of service of the **Judgment** upon the Real Estate Administrator.
23 (5) Proof of service of the **Complaint** upon Defendant.
24 (6) Proof of service of the **Complaint** upon the Real Estate Administrator.
25 (7) Proof of service of "**the Writ of Execution Which Was Returned Unsatisfied**"
upon Defendant.
(8) Proof of service of "**the Writ of Execution Which Was Returned Unsatisfied**"
upon the Real Estate Administrator.

1 III. Requirements for the Hearing

2 Upon the hearing on the Petition, Plaintiff will be able to show that all of the following
3 facts exist:

4 (1) Plaintiff is not the spouse of Defendant, or the personal representative of that spouse.

5 (2) Plaintiff has complied with all the requirements of NRS 645.841 to 645.8494,
6 inclusive.

7 (3) Plaintiff has obtained a Judgment of the kind described in NRS 645.844(1), and

8 (a) The amount of the Judgment was \$_____;

9 (b) The amount owing thereon at the date of the Petition was \$_____; and

10 (c) The action in which the Judgment was obtained was based on fraud,
11 misrepresentation or deceit of the licensee in a transaction for which a license is
12 required pursuant to NRS Chapter 645.

13 (4) A Writ of Execution has been issued upon the Judgment, and:

14 [] No assets of Defendant liable to be levied upon in satisfaction of
15 the Judgment could be found; or

16 [] The amount realized on the sale of assets was insufficient to satisfy
17 the Judgment. The amount so realized was \$_____
18 and the balance remaining due is \$_____.

19 (5) Plaintiff has made reasonable searches and inquiries to ascertain whether Defendant
20 possesses real or personal property or other assets, liable to be sold or applied in
21 satisfaction of the Judgment, and after reasonable efforts, Plaintiff has determined that no
22 property or assets could be found or levied upon in satisfaction of the Judgment.

23 (6) Plaintiff has made reasonable efforts to recover damages from each and every
24 judgment debtor listed in the Judgment.

25 (7) The Petition was filed no more than 1 year after the termination of all proceedings,
including reviews and appeals, in connection with the Judgment.

IV. Acknowledgement

Plaintiff acknowledges that, under NRS 645.846, "[i]f the Court finds after the hearing
that the claim should be levied against the portion of the Fund allocated for the purpose of
carrying out the provisions of NRS 645.841 to 645.8494, inclusive, the Court shall enter an order
directed to the Administrator requiring payment from the Fund of whatever sum it finds to be
payable upon the claim pursuant to the provisions of and in accordance with the limitations
contained in NRS 645.841 to 645.8494, inclusive."

**I declare under penalty of perjury under the law of the State of Nevada that the
foregoing is true and correct.**

Executed on _____, 20_____.

Plaintiff's Printed Name: _____

Plaintiff's Signature: _____

STATE OF NEVADA)
)ss
COUNTY OF CLARK)

I am the Petitioner in the above-entitled action. I have read the foregoing Petition for Order for Recovery from the Real Estate Education, Research, and Recovery Fund, and know the contents thereof. The Petition is true of my own knowledge except as to those matters that are stated on information and belief, and as to those matters, I believe them to be true.

DATED THIS _____ day of _____, 20__.

(Your name)