

JUSTICE COURT, TOWNSHIP OF [SELECT TOWNSHIP]
CLARK COUNTY, NEVADA

Owner's Name: [INSERT OWNER'S COMPLETE NAME]
Address: [INSERT OWNER'S ADDRESS]
City, State, Zip: [INSERT OWNER'S CITY, STATE, ZIP]
Phone: [INSERT OWNER'S PHONE NUMBER]
E-Mail: [INSERT OWNER'S E-MAIL ADDRESS]

Case No.: [INSERT CASE NO.]
Dept No.: [INSERT DEPT. NO.]

Plaintiff,
vs.

Occupant's Name: [INSERT OCCUPANT'S COMPLETE NAME]
Defendant.

TIP! You can find the information to put in this caption by looking at the Complaint for Unlawful Detainer that you filed.

- When you filed your complaint, the court clerk should have assigned a case number and department number.
- The "Owner's Name" and "Occupant's Name" should be listed and spelled exactly like they are on your complaint.
- If the property is owned by a business entity (like a corporation or LLC) you must have an attorney. A corporation cannot represent itself in a formal eviction case.

**EX PARTE APPLICATION FOR ORDER TO SHOW CAUSE WHY A
TEMPORARY WRIT OF RESTITUTION SHOULD NOT ISSUE AND
ORDER SHORTENING TIME TO ANSWER COMPLAINT**

(NOTICE TO QUIT SERVED PURSUANT TO NRS 40.255 FOLLOWING SALE)

Pursuant to NRS 40.300(3) and JCRCP 107-108, Plaintiff ("Owner"), appearing in proper person, asks the Court to issue an order setting a "show cause" hearing, at which Owner can seek a temporary writ of restitution to remove Defendant ("Occupant") from the property. Owner also asks the Court to shorten Occupant's time to file an answer to the complaint in this case. A proposed order is attached to this application as Exhibit 3.

Owner's application is based upon the following Memorandum of Points and Authorities, the attached exhibits, and the facts and circumstances stated in this application, which Owner declares under penalty of perjury.

MEMORANDUM OF POINTS AND AUTHORITIES

I. STATEMENT OF FACTS

1. I am the owner of the real property located at (insert address of property) [INSERT STREET ADDRESS AND UNIT NUMBER OF PROPERTY], in the Township of (insert name of township) [INSERT TOWNSHIP WHERE PROPERTY IS LOCATED, I.E. LAS VEGAS, HENDERSON, NORTH LAS VEGAS, ETC.], Clark County, Nevada (the "property").

2. I purchased the property on or about (insert date) [INSERT DATE OF YOUR PURCHASE] (check one box) ☐ from the former owner, ☐ at a trustee's sale after foreclosure, ☐ at a sheriff's sale after execution, ☐ other (explain) [INSERT YOUR EXPLANATION OR TYPE "N/A"]

3. Based upon Occupant's failure to comply with an eviction notice and refusal to vacate the

property, I filed a Complaint for Unlawful Detainer against Occupant on (insert date) INSERT DATE
COMPLAINT WAS FILED, a copy of which is attached to this application as Exhibit 1.

4. I restate and incorporate by reference the facts of my Complaint for Unlawful Detainer and perjury, in my verified Complaint for Unlawful Detainer, and I have reviewed a copy of the deed I recorded and served on Occupant, along with proof of service.

TIP! You can find these dates by looking at the documents you filed with the court. There is probably a court stamp on the first page that shows the filing date. You can also look up your case on the court's website to check the date.

- The Complaint for Unlawful Detainer that you filed should be attached to this application as Exhibit 1 (after the Exhibit 1 cover sheet).
- The Summons that was issued should be attached as Exhibit 2 (underneath the cover sheet).

5. I caused a Summons to be issued for Occupant on (insert date) INSERT DATE
SUMMONS WAS ISSUED, a copy of which is attached to this application as Exhibit 2.

6. As of today, Occupant has failed to comply with the eviction notice served, and Occupant continues to remain in possession of the property unlawfully and without my consent or permission, resulting in damage to me.

II. STATEMENT OF LAW

Section 40.300(3) of the Nevada Revised Statutes states that, at any time after a complaint for unlawful detainer is filed and a summons issued, an owner can apply for a temporary writ of restitution to remove an occupant from property and regain possession. The court can issue the temporary writ only after the occupant has been served with an order to show cause and has had the opportunity to oppose the issuance of the writ. (NRS 40.300(3)(a).) The hearing on the order to show cause must be scheduled at least eleven calendar days after the occupant is served with the summons and complaint. (JCRC 107(a).)

The occupant must be served with the summons, complaint, and any orders issued by the court, but the time for the occupant to file an answer and defend the case can be shortened by court order to not less than ten days. (NRS 40.300(2); JCRC 108.)

The court can issue a temporary writ of restitution if the owner can show (by competent, relevant, and material evidence) the existence of sufficient facts to establish, at least at first appearance, the clear right to immediate possession of the property. (*Farnow v. Eighth Judicial Dist. Court*, 64 Nev. 109, 126, 178 P.2d 371, 379 (1947).)

If the court grants a temporary writ of restitution, it must require the owner to post a bond in an amount to be set by the court. (NRS 40.300(3)(c).) The court sets the bond amount based on the occupant's probable loss from being wrongfully evicted pending trial. (NRS 40.300(3)(b).)

III. LEGAL ARGUMENT

1 I properly served Occupant with an eviction notice, a copy of which is attached to my Complaint
2 for Unlawful Detainer (Exhibit 1). The time for Occupant to take action in response to that eviction
3 notice has expired.

4 Occupant has failed to comply with the eviction notice and has failed to vacate the property. As
5 of today, Occupant is still occupying the property. Occupant's failure to comply with the eviction notice
6 and continued occupancy of the property is causing, and will continue to cause, damage to me.

7 As a result of Occupant's failure to comply with the eviction notice, I filed a Complaint for
8 Unlawful Detainer against Occupant (Exhibit 1). I also caused a Summons to be issued against Occupant
(Exhibit 2).

9 I have, therefore, fulfilled the requirements of NRS 40.300(3) and ask the Court to set a "show
10 cause" hearing, at which I am prepared to show (by competent, relevant, and material evidence) a clear
11 right to immediate possession of the property in order to obtain a temporary writ of restitution. I am also
12 prepared to post a bond to protect Occupant against any wrongful eviction pending trial.

13 **IV. CONCLUSION**

14 Based upon the facts and legal arguments above, Owner requests the Court issue an Order to
15 Show Cause Why a Temporary Writ of Restitution Should Not Issue and Shortening Time to Answer. A
16 proposed order is attached to this application as Exhibit 3.

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

19 [INSERT DATE]

20 (Date)

[INSERT YOUR NAME]

(Type or print name)

[PRINT THE DOCUMENT AND
SIGN HERE, OR ATTACH A
DIGITAL SIGNATURE IF
ALLOWED BY COURT RULES]

(Signature)

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TIP! Following this page, insert a complete, file-stamped copy of the Complaint for Unlawful Detainer that you prepared and filed with the court. That way, your complaint will be included with this application for a show-cause hearing as Exhibit 1 when you submit the application to the judge for review and file it with the court clerk.



EXHIBIT 1
(COMPLAINT FOR UNLAWFUL DETAINER AGAINST OCCUPANT)

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TIP! Following this page, insert a complete, file-stamped copy of the Summons that you prepared and filed with the court. (In some justice courts, you don't prepare a summons – it's issued automatically to you from the court clerk.) That way, your Summons will be included with this application for a show-cause hearing as Exhibit 2 when you submit the application to the judge for review.



EXHIBIT 2
(SUMMONS ISSUED FOR OCCUPANT)

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TIP! Following this page, you'll find the proposed order that you're trying to get the judge to sign. The order is the thing that, if signed by the judge, actually sets the date and time for the show-cause hearing. Some courts might want you to remove the proposed order and submit it as a separate document, rather than include it as an exhibit. Check with the court clerk where you're filing to find out how that court likes to handle proposed orders.



EXHIBIT 3
(PROPOSED ORDER TO SHOW CAUSE)

JUSTICE COURT, TOWNSHIP OF [SELECT TOWNSHIP]
CLARK COUNTY, NEVADA

Owner's Name: [INSERT OWNER'S COMPLETE NAME]
Address: [INSERT OWNER'S ADDRESS]
City, State, Zip: [INSERT OWNER'S CITY, STATE, ZIP]
Phone: [INSERT OWNER'S PHONE NUMBER]
E-Mail: [INSERT OWNER'S E-MAIL ADDRESS]

Case No.: [INSERT CASE NO.]
Dept No.: [INSERT DEPT. NO.]

Plaintiff,
vs.

Occupant's Name: [INSERT OCCUPANT'S COMPLETE NAME]
Defendant.

TIP! The caption on this order should look exactly the same as it does on your application (the first page of this document) and on the Complaint for Unlawful Detainer that you prepared and filed. The information in the case caption usually stays the same throughout your whole court case. If your contact information changes, make sure you file a change of address form with the court clerk.

**ORDER TO SHOW CAUSE
WHY A TEMPORARY WRIT OF RESTITUTION SHOULD NOT ISSUE, AND
ORDER SHORTENING TIME TO ANSWER COMPLAINT**

(NOTICE TO QUIT SERVED PURSUANT TO NRS 40.255 FOLLOWING SALE)

Having considered the Plaintiff/Owner's Application for Order to Show Cause Why a Temporary Writ of Restitution Should Not Issue and Order Shortening Time to Answer Complaint, and finding that good and sufficient cause appears,

IT IS HEREBY ORDERED that Defendant/Occupant (*insert Occupant's name*) [INSERT OCCUPANT'S FULL NAME AS LISTED IN THE CASE CAPTION] appear before this Court on the ____ day of ____, 20__, at the hour of ____ M., in Department No. ____ of the Justice Court for the Township of (*insert township's name*) [SELECT TOWNSHIP] at the following address (*insert justice court's address*):

[SELECT JUSTICE COURT'S ADDRESS FROM DROP-DOWN]

to show cause, if any, why the Court should not issue a Temporary Writ of Restitution, allowing Plaintiff/Owner to remove Defendant/Occupant from the real property located at (*insert property's complete address*) [INSERT COMPLETE ADDRESS OF PROPERTY] and recover possession of that property pending a final judgment in this case should one be entered.

The hearing on this Order to Show Cause is not the trial on the merits. Plaintiff/Owner may request at a later date that a trial be set, but the trial may be set no earlier than twenty (20) calendar days after service of the Summons and Complaint for Unlawful Detainer.

IT IS FURTHER ORDERED that the time period for Defendant/Occupant to file an answer or

1 other response to the Complaint for Unlawful Detainer filed in this case is hereby shortened to ten (10)
2 calendar days from the day the Summons and Complaint for Unlawful Detainer are served on
3 Defendant/Occupant (not counting the day of service).

4 DATED: _____

6 _____
7 JUSTICE OF THE PEACE

8 Issued at the request of:

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

11 _____ (*Plaintiff's Signature*)
12 (*Insert Plaintiff's name, address, phone, and e-mail:*)
13 [INSERT PLAINTIFF'S NAME, ADDRESS, PHONE,
14 AND E-MAIL ADDRESS]

15 Plaintiff, In Proper Person
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