

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

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

Case No.: [INSERT CASE NO.]

Dept No.: [INSERT DEPT. NO.]

Plaintiff,
vs.

Tenant's Name: [INSERT TENANT'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 "Landlord's Name" and "Tenant'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 NOT SERVED PURSUANT TO NRS 40.255 FOLLOWING SALE)

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

Landlord'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 Landlord declares under penalty of perjury.

MEMORANDUM OF POINTS AND AUTHORITIES

I. STATEMENT OF FACTS

1. I am the owner and landlord of the rental premises located at (*insert address of rental premises*) [INSERT STREET ADDRESS AND UNIT NUMBER OF RENTAL PREMISES], in the Township of (*insert name of township*) [INSERT TOWNSHIP WHERE RENTAL PREMISES ARE LOCATED, I.E. LAS VEGAS, HENDERSON, NORTH LAS VEGAS, ETC.], Clark County, Nevada.

2. Tenant took possession of the rental premises on or about (*insert date*) [INSERT DATE TENANT TOOK POSSESSION OR SIGNED LEASE AGREEMENT].

3. Based upon Tenant's failure to comply with an eviction notice and refusal to vacate the rental premises, I filed a Complaint for Unlawful Detainer against Tenant on (*insert date*) [INSERT DATE].

TIP! You can find this date by looking at the Complaint for Unlawful Detainer you filed with the court. There should be 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).

1 DATE COMPLAINT WAS FILED, a copy of which is attached to this application as Exhibit 1.

2 4. I restate and incorporate here the allegations and arguments that I stated, under penalty of
3 perjury, in my verified Complaint for Unlawful Detainer (Exhibit 1), which includes for the Court's
4 review a copy of Tenant's rental agreement (if one exists) and a copy of the eviction notice served on
5 Tenant, along with proof of service.

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

8 6. As of today, Tenant has
9 continues to remain in possession of the property without my
10 permission, resulting in damage to me.

TIP! You can find this date by looking at the Summons you filed with the court. There is probably a court stamp on the document that shows the filing date. You can also look up your case on the court's website to check the date.
• The Summons that was issued should be attached as Exhibit 2 (underneath the cover sheet).

11 **II. STATEMENT OF LAW**

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

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

21 The court can issue a temporary writ of restitution if the landlord can show (by competent,
22 relevant, and material evidence) the existence of sufficient facts to establish, at least at first appearance,
23 the clear right to immediate possession of the property. (*Farnow v. Eighth Judicial Dist. Court*, 64 Nev.
24 109, 126, 178 P.2d 371, 379 (1947).)

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

28 **III. LEGAL ARGUMENT**

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

1 expired.

2 Tenant has failed to comply with the eviction notice and has failed to vacate the rental premises.
3 As of today, Tenant is still occupying the rental premises. Tenant's failure to comply with the eviction
4 notice and continued occupancy of the rental premises is causing, and will continue to cause, damage to
5 me.

6 As a result of Tenant's failure to comply with the eviction notice, I filed a Complaint for
7 Unlawful Detainer against Tenant (Exhibit 1). I also caused a Summons to be issued against Tenant
8 (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 tenant against any wrongful eviction pending trial.

13 **IV. CONCLUSION**

14 Based upon the facts and legal arguments above, Landlord 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]**

(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)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 TENANT)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 TENANT)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

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

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

Plaintiff,
vs.

Tenant's Name: [INSERT TENANT'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 NOT SERVED PURSUANT TO NRS 40.255 AFTER SALE)

Having considered the Plaintiff/Landlord'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/Tenant (*insert Tenant's name*) [INSERT TENANT'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/Landlord to remove Defendant/Tenant from the rental premises located at (*insert rental premises' complete address*) [INSERT COMPLETE ADDRESS OF RENTAL PREMISES] and recover possession of those rental premises 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/Landlord 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/Tenant 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/Tenant (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
16
17
18
19
20
21
22
23
24
25
26
27
28