

1 JUSTICE COURT, TOWNSHIP OF _____
2 CLARK COUNTY, NEVADA

3 Landlord's
Name: _____

4 Address: _____

5 City, State, Zip: _____

6 Phone: _____

7 E-Mail: _____

Case No.: _____

Dept No.: _____

8 Plaintiff,

9 vs.

10 Tenant's
Name: _____

11 Defendant.

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

15 (NOTICE TO QUIT NOT SERVED PURSUANT TO NRS 40.255 FOLLOWING SALE)

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

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

24 **MEMORANDUM OF POINTS AND AUTHORITIES**

25 **I. STATEMENT OF FACTS**

26 1. I am the owner and landlord of the rental premises located at (*insert address of rental*
27 *premises*) _____,
28 in the Township of (*insert name of township*) _____, Clark County, Nevada.

29 2. Tenant took possession of the rental premises on or about (*insert date*) _____
30 _____.

31 3. Based upon Tenant's failure to comply with an eviction notice and refusal to vacate the
32 rental premises, I filed a Complaint for Unlawful Detainer against Tenant on (*insert date*) _____
33 _____, a copy of which is attached to this application as Exhibit 1.

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

5 5. I caused a Summons to be issued for Tenant on *(insert date)* _____,
6 a copy of which is attached to this application as Exhibit 2.

7 6. As of today, Tenant has failed to comply with the eviction notice served, and Tenant
8 continues to remain in possession of the rental premises unlawfully and without my consent or
9 permission, resulting in damage to me.

10 **II. STATEMENT OF LAW**

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

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

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

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

27 **III. LEGAL ARGUMENT**

28 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
expired.

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

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

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

12 **IV. CONCLUSION**

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

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

18 _____
(Date)

19 _____
(Type or print name)

20 _____
(Signature)

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EXHIBIT 1
(COMPLAINT FOR UNLAWFUL DETAINER AGAINST TENANT)

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EXHIBIT 2
(SUMMONS ISSUED FOR TENANT)

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EXHIBIT 3
(PROPOSED ORDER TO SHOW CAUSE)

JUSTICE COURT, TOWNSHIP OF _____
CLARK COUNTY, NEVADA

Landlord's
Name: _____

Address: _____

City, State, Zip: _____

Phone: _____

E-Mail: _____

Case No.: _____

Dept No.: _____

Plaintiff,

vs.

Tenant's
Name: _____

Defendant.

**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*) _____
_____ 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*) _____ at the
following address (*insert justice court's address*):

_____ 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*) _____

_____ 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.

1 **IT IS FURTHER ORDERED** that the time period for Defendant/Tenant to file an answer or
2 other response to the Complaint for Unlawful Detainer filed in this case is hereby shortened to ten (10)
3 calendar days from the day the Summons and Complaint for Unlawful Detainer are served on
4 Defendant/Tenant (not counting the day of service).

5 DATED: _____

6
7 _____
8 JUSTICE OF THE PEACE

9 Issued at the request of:

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

12 _____ *(Plaintiff's Signature)*
13 *(Insert Plaintiff's name, address, phone, and e-mail:)*

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16 Plaintiff, In Proper Person
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