

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

Plaintiff's
Name:

[INSERT PLAINTIFF'S NAME]

Case No.: [INSERT CASE NO.]

Dept No.: [INSERT DEPT. NO.]

Plaintiff,

vs.

Defendant's
Name:

[INSERT DEFENDANT'S FULL NAME]

Address:

[INSERT YOUR ADDRESS]

City, State, Zip:

[INSERT YOUR CITY, STATE, ZIP]

Phone:

[INSERT YOUR PHONE]

E-Mail:

[INSERT YOUR E-MAIL]

Defendant.

TIP! You can find the information you need to fill out this caption section by looking at the Complaint for Unlawful Detainer that you received.

- Type "Plaintiff's Name" just as it appears on the complaint.
- Type your name as "Defendant's Name" just as it appears on the complaint.
- Use your current contact information as your address and phone number.
- Some justice courts require that you have an e-mail address to file with the court because the court electronically files all documents. If you don't have an e-mail address, you can set one up for free on websites like www.yahoo.com or www.google.com.
- If you haven't done so yet, you may also need to file an "answer" in the case to respond to the complaint that you received.

STATEMENT WHY TEMPORARY WRIT OF RESTITUTION SHOULD NOT ISSUE

Defendant, appearing in proper person, states why a temporary writ of restitution should not issue in this case.

1. The "show cause" hearing is set for (insert date of hearing) [INSERT MONTH AND

DATE OF SHOW CAUSE HEARING], 20 [INSERT THE LAST TWO DIGITS OF THE YEAR]. I

was served with a summons and complaint on (insert date of service) [INSERT MONTH AND DAY

YOU RECEIVED THE SUMMONS AND COMPLAINT], 20 [INSERT THE LAST TWO DIGITS OF

THE YEAR]. (Check box if applicable:)

☐

Contrary to JCRCP 107, the "show cause" hearing is scheduled less than 11 calendar days after the date I received the summons and complaint. I object to the hearing date and request a continuance.

2. After I received the summons and complaint, I (check one box):

☐

Filed an answer with the Court. I reassert the defenses I raised in my answer and incorporate them here as reasons why a temporary writ should not issue.

☐

Did not file an answer with the Court because (check one box) ☐ my time to file has not yet run, ☐ I was unable to file, ☐ I need more time to file, ☐ other (explain):

[IF YOU DID NOT FILE AN ANSWER WITH THE COURT, TYPE YOUR EXPLANATION AS TO WHY YOU DIDN'T FILE AN ANSWER HERE. IF YOU DID FILE AN ANSWER, LEAVE THIS SPACE BLANK OR TYPE N/A.]

3. I dispute the facts Plaintiff states in the Application for Temporary Writ of Restitution, specifically (state in detail any dispute you have with Plaintiff's facts and why you believe you should not

TIP! If you received an "Order to Show Cause," there should be a hearing date and time stated in that order. Look carefully through all the legal papers you received. You can also check your case docket by looking up your case on-line on the court's website.

TIP! Check one box to indicate whether you DID or DID NOT file an "answer" with the court. An "answer" is a legal document that responds to Plaintiff's complaint. If you didn't file an answer, check one of the boxes to indicate why you didn't file and explain.

TIP! Someone (a process server, constable, or sheriff) should have handed you, or someone who lives at your home, the legal papers filed by Plaintiff to start this case. That's called "service." The date you were handed the paper is the date you type here.

TIP! Here is where you can tell the judge your side of the story.

- If you believe you have a legal defense to the eviction, explain it for the judge.
- If you and your family will suffer some hardship or loss if you're evicted, describe it for the judge.
- If you need more space to write, continue on a separate page and attach those pages to this statement.

1 *be removed from the premises):* [INSERT A DETAILED EXPLANATION OF ANY DEFENSE YOU
2 THINK YOU HAVE TO THE EVICTION AND ANY DISPUTES YOU HAVE WITH PLAINTIFF'S
3 VERSION OF THE FACTS]

4 4. If the Court issues a temporary writ of restitution and I am forced to leave the premises
5 where I live, it is probable that my family and I will suffer the following losses *(describe in detail the*
6 *harm you will suffer if a writ is granted, including estimated dollar amounts):* [INSERT A DETAILED
7 EXPLANATION OF THE HARM YOU WILL SUFFER IF YOU ARE FORCED TO LEAVE THE
8 PREMISES, INCLUDING DOLLAR AMOUNTS THAT YOU WILL HAVE TO PAY]

9 Based upon the facts and argument above, I request that the Court refuse Plaintiff's request for a
10 temporary writ of restitution.

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

13 [SIGN HERE AFTER PRINTING
14 OR ATTACH DIGITAL
15 SIGNATURE IF ALLOWED BY
COURT RULES]

[INSERT DATE]

(Date)

[TYPE OR PRINT YOUR NAME]

(Type or Print Name)

Is this the right form for you?

This form might be right for you if:

- You are the occupant of a property (possibly a tenant or possibly a former owner who has lost the house after foreclosure).
- You have been served with a Summons and a Complaint for Unlawful Detainer and the court has issued an "Order to Show Cause" setting a hearing date and time at which the property owner will ask the court for an order removing you from the property.
- You disagree with the owner's request, and you want to tell your story to the judge and explain your defenses.

What you should know before you file:

- Filing fee: The court will charge you a filing fee of \$71 for your first filing in this case. If you have already filed a document with the court and paid a fee, there will be no additional charge.

Filing With the Court:

In person: Take your completed form to the justice court for the township where the rental property is located.

- If you're filing your case in the Las Vegas Justice Court, you will not need to make copies, but you will need a valid e-mail address. The court clerk will help you electronically file your form. The court will e-mail your filed document to you after processing.
- In all other justice courts (Henderson or North Las Vegas, for example), you'll need to make at least two additional copy of your form. Give the original and all copies to the court clerk for filing. The clerk will return the filed copies to you.

Online: In the Las Vegas Justice Court, you can file electronically at <http://wiznet.wiznet.com/clarknv>. You must register for an account, and you must be able to upload your documents via pdf. There is a \$2.50 fee for each document you upload.

Serving the Other Side:

After you file this statement, you must "serve" (deliver) a copy to the other side. Typically, this is done by mailing a copy of your filed document to the Plaintiff's attorney, whose name and address should be listed on the first page of the complaint you received. If there is no attorney involved and the Plaintiff is representing himself in the case, you can mail it directly to the Plaintiff.

TIP! After you file with the court, you must "serve" (deliver) a copy of this statement to the Plaintiff. You can do this by mailing it or by hand delivering it. Check one box to indicate which you are going to do, and type the Plaintiff's attorney's name and address on the lines below. If the Plaintiff doesn't have an attorney, send it to Plaintiff directly. The person who is serving will date, print their name, and sign below.

CERTIFICATE OF SERVICE

I CERTIFY that on *(insert date motion was served)* [INSERT DATE OF SERVICE], I served the **STATEMENT WHY TEMPORARY WRIT OF RESTITUTION SHOULD NOT ISSUE**, pursuant to JCRCP 5(b), by the following method check one box:

☐ Depositing a copy of the statement in the United States Mail, postage prepaid, to the address listed below *(below insert name and mailing address of Plaintiff or Plaintiff's attorney)*.

☐ Delivering, by hand delivery, a copy of the statement to the address listed below and leaving it (i) with Plaintiff or Plaintiff's attorney; (ii) at the office of Plaintiff or Plaintiff's attorney with a person in charge or, if there is no one in charge, in a conspicuous place; or (iii) at Plaintiff's dwelling house with a person of suitable age and discretion residing there *(below insert name and mailing address of Plaintiff, Plaintiff's attorney, or person of suitable age and discretion, as applicable)*.

[INSERT NAME OF PLAINTIFF OR PLAINTIFF'S ATTORNEY]

[INSERT PLAINTIFF'S OR ATTORNEY'S ADDRESS]

[INSERT PLAINTIFF'S OR ATTORNEY'S ADDRESS]

[INSERT PLAINTIFF'S OR ATTORNEY'S ADDRESS]

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

**[SIGN HERE AFTER PRINTING,
OR ATTACH DIGITAL
SIGNATURE IF ALLOWED BY
COURT RULES]**

[INSERT DATE]

(Date)

[TYPE OR PRINT NAME]

(Type or Print Name)

(Signature)

TIP! If you have documents that support the defenses you set out above, you can attach those documents to this statement as exhibits. But simply attaching a stack of documents won't do you any good. In your statement above, you need to explain what documents you're attaching, what you believe those documents prove, and why those documents are important.