

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

FOR OFFICE USE ONLY

3 Landlord's
4 Name: _____

Landlord,

vs.

Case No.: _____

Dept. No: _____

5 Tenant's Name: _____

6 Address: _____

7 City, State, Zip: _____

8 Phone: _____

9 E-Mail: _____

Tenant,

**TENANT'S AFFIDAVIT IN
OPPOSITION TO SUMMARY
EVICTION REGARDING
NONPAYMENT OF RENT**

10 Tenant, appearing in proper person, contests this matter under NRS 40.253 as follows:

11 1. Do you live in a weekly? ☐ No / ☐ Yes

12 a. If Yes, how often is your rent due? _____

13 2. What is the date the eviction notice was given to you? (Please copy this information from your
14 eviction notice) _____

15 3. Is your Landlord claiming you owe more than 3 months' rent? ☐ No / ☐ Yes

16 4. Are you 62 years old or older? ☐ No / ☐ Yes

17 5. Do you, or someone living with you, receive SSI benefits due to a disability? ☐ No / ☐ Yes

18 6. Are there children in your home? ☐ No / ☐ Yes If Yes, list how many and their ages:
19 _____

20 7. **I oppose the granting of the eviction order and I inform the court of the following (check all**
21 **that apply):**

22 a. ☐ I moved out and gave my keys to the landlord.

23 b. ☐ I disagree with the amount of rent the Landlord claims I owe.

24 c. ☐ My rent is paid in full.

25 d. ☐ I tried to pay my full rent on (insert date) _____ but my Landlord refused to accept it.

26 e. ☐ Landlord accepted partial payment of my rent on this date: _____.

27 f. ☐ The rent amount in the notice includes costs or fees that are not regular rent or late fees.
28

- 1 g. ☐ Landlord is charging a late fee more than 5% of regular rent.
- 2 h. ☐ Landlord has not provided a free way to pay the rent (*Landlord is required to provide a way for rent to be*
- 3 *paid without processing fees*).
- 4 i. ☐ (*To use this option, you must give your **full rent** to the court to hold before the hearing date*)
- 5 I sent Landlord written notice about a habitability problem at my rental unit. Landlord did not
- 6 fix, or try to fix, the problem in 14 days. Therefore, I am holding back payment of rent.
- 7 j. ☐ (*To use this option **your rent must have been up to date at the time you sent written notice***
- 8 ***to Landlord.***) I sent Landlord written notice of an “essential services” problem at my rental
- 9 unit (heat, air conditioning, running or hot water, electricity, gas, a working door lock, or other
- 10 essential item or service). Landlord did not fix, or try to fix, the problem in 48 hours.
- 11 Therefore, I am holding back payment of rent.
- 12 k. ☐ I corrected a habitability problem at my rental unit and am removing the cost from my rent
- 13 after giving Landlord a detailed statement. I gave Landlord written notice of the problem, and
- 14 Landlord did not fix the problem in 14 days after my notice.
- 15 l. ☐ Landlord's notice was not served as required by law, or the notice did not in other ways
- 16 follow Nevada law.
- 17 m. ☐ Landlord is discriminating against me in violation of the Federal Fair Housing Act or
- 18 Nevada law.
- 19 n. ☐ Landlord is retaliating against me for taking part in certain protected acts.
- 20 o. ☐ I am a tenant in a property that has been foreclosed on and sold. The new owner:
- 21 i. ☐ Did not give notice of change of ownership required by law;
- 22 ii. ☐ Violated the law by failing or refusing to give me an additional 60 days in the
- 23 property;
- 24 iii. ☐ Is using the summary eviction process in violation of the law, which requires the
- 25 formal unlawful detainer process.
- 26
- 27
- 28

1 p. ☐ Other (explain below).

2 (State the facts and circumstances that support the selections made above . Financial hardship - not
3 having the money to pay your rent - is **NOT** a defense to a non-payment of rent notice)

4 _____
5 _____
6 _____
7 ☐ I require an interpreter in the following language: ☐ Spanish **OR** Other ☐

8 **IF YOU SELECTED OTHER, WHAT LANGUAGE?** _____.

9 If you require an interpreter, please contact the Clark County Interpreter's Office at 702-671-4578 **at least**
10 **three days before** your court hearing.

11 ☐ Pursuant to NRS 70.010 and JCRCP 110, I ask the Court to delay ("stay") enforcement of any
12 summary order for (insert number of days, up to 10) ____ days for the following reasons
13 (explain below):
14 _____
15 _____
16 _____

17 THEREFORE, I ask that Landlord receive nothing requested in Landlord's Complaint, or for a delay in
18 the issuance of an order for eviction.

19 *I understand that if the filing of this affidavit is timely, I will receive notice of any*
20 *hearing by regular U.S. Mail.*

21 ☐ To avoid an eviction on my record, I am willing to move out before the hearing date and give the keys
22 to the landlord before or at the hearing.

23 I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and
24 correct.
25 _____
26 _____

27 (Date)

(Print your name)

(Sign your name)

CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing **Tenant's Affidavit in Opposition of Summary Eviction Regarding Nonpayment of Rent** was made on *(insert date of service)* _____, pursuant to JCRCP 5(b), by the following method *(check one box)*:

Depositing a copy of the same with the United States Mail in _____, Nevada, postage prepaid, to the address listed below *(in space below insert name and mailing address of Respondent's attorney, or Respondent directly if unrepresented)*.

Depositing a copy of the same to the address listed below and leaving it:

- (1) with the Respondent *(if Respondent is unrepresented)* or Respondent's attorney *(if represented)*;
- (2) at the office of Respondent *(if Respondent is unrepresented)* or office of Respondent's attorney *(if represented)* with a person in charge or in a conspicuous place; **or**
- (3) at the Respondent's dwelling house *(if Respondent is unrepresented)* with a person of suitable age and discretion residing therein *(in space below insert name and address of Respondent, their attorney, or name of person of suitable age and discretion)*.

Attorney/Agent/Landlord's NAME on Notice

Attorney/Agent/Landlord's STREET ADDRESS on Notice

Attorney/Agent/Landlord's CITY, STATE, AND ZIP CODE on Notice

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

(Date)

(Print your name)

(Sign your name)