

1 JUSTICE COURT, _____
2 CLARK COUNTY, NEVADA

TOWNSHIP

3 Landlord's
4 Name: _____

FOR OFFICE USE ONLY

5 vs. Landlord,
6

Case No.: _____

7 Tenant's Name: _____

Dept. No: _____

8 Address: _____

9 City,State,Zip: _____

Phone: _____

E-Mail: _____

10 Tenant,
11

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

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)**

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):

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 _____

28 *(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)