

## **EVICTION INSTRUCTIONS**

Notice of Eviction for any reason should be used to initiate an eviction action against the tenant. The notices must be served in accordance with NRS 40.280, and the correct proof of service must be obtained.

### **Complete the Notice(s) as Follows:**

- Fill in the tenant name, address and telephone number.
- Provide the landlord name, address, telephone number and email address.
- Fill in the date of service.
- Provide any further information required in the Notice(s) being served.

### **DECLARATION OF SERVICE**

Nevada law requires that any Notice of Eviction, other than Non-Payment of Rent, being served to the tenant for termination of their tenancy be served by the Sheriff's Office, Constable, a Licensed Processed Server or a Licensed Attorney's Agent. This is done one of three (3) ways as outlined in NRS 40.280. The document that records and proves the method of notification is the Declaration of Service.

After service has been made, **you** must bring the declaration(s) of service, attached to the Notice(s) you served, to the court when you file for a twenty-four (24) hour eviction order. Declaration of service is a paper that shows the tenant(s) received a copy of the Notice.

When you come to court, **bring everything you need to file for your eviction.** This means you must have two (2) notices with the declaration of service for each notice served, the written rental agreement if applicable, your Landlord's Complaint and the filing fee of \$51.00

REMEMBER, this is your eviction. You must prove it. It is not up to the tenant to disprove your eviction. The court will help you file the eviction, but you have to provide the information required to file.

**FAILURE TO GIVE LAWFUL NOTICE MAY RESULT IN THE DISMISSAL OF THE EVICTION AND REQUIRE THAT**

**A NEW NOTICE PROCESS BEGIN AGAIN.**

**FIVE-DAY NOTICE TO CORRECT LEASE VIOLATIONS OR QUIT**  
**(NRS 40.2516)**

TO: \_\_\_\_\_  
Tenant(s) Name

\_\_\_\_\_  
Tenant(s) Name

and all occupants       named tenants only

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone Number

FROM: \_\_\_\_\_  
Landlord's Name

\_\_\_\_\_  
Landlord's Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Email Address

**Date of Service:** \_\_\_\_\_

**PLEASE TAKE NOTICE** that you have neglected or failed to perform a condition or covenant of your lease or rental agreement as follows *(describe in detail specific lease violation(s) alleged, with citation to applicable page and paragraph of lease)*:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ *(attach additional pages if necessary).*

You must either vacate the premises or correct the violations described above no later than five (5) judicial days<sup>1</sup> following the Date of Service of this notice. If you do not comply with this notice, your possession of the premises will be unlawful (called "unlawful detainer"), and your landlord may initiate an eviction against you by either serving you with a Five-Day Notice to Quit for Unlawful Detainer or a Summons and Complaint for Unlawful Detainer. Within five (5) days after the Date of Service of this notice, you may perform the condition or covenant and thereby save the lease from forfeiture, unless the covenants and conditions cannot afterwards be performed. If the court determines that you are guilty of an unlawful detainer, the court may issue a summary order for your removal or an order providing for your nonadmittance, directing the sheriff or constable to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall then remove you not earlier than 24 hours but not later than 36 hours after the posting of the order. Pursuant to NRS 118A.390, you may seek relief if a landlord unlawfully removes you from the premises or excludes you by blocking or attempting to block your entry upon the premises or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or chapter 118A of the Nevada Revised Statutes.

Pursuant to NRS 40.251, if you receive this notice during a government shutdown and you are a federal worker, tribal worker, state worker, or household member of such a worker, you may request to be allowed to continue in possession during the period commencing on the date on which a shutdown begins and ending on the date that is 30 days after the date on which the shutdown ends by submitting a written request for the extended period and providing proof that you are a federal worker, tribal worker, state worker, or household member of such a worker during a shutdown. The landlord who receives this request shall allow you to continue in possession for the period requested unless the court orders otherwise.

<sup>1</sup> Judicial days do not include the date of service, weekends, or certain legal holidays.

## DECLARATION OF SERVICE

TO: \_\_\_\_\_  
Tenant(s) Name

FROM: \_\_\_\_\_  
Landlord's Name

\_\_\_\_\_  
Tenant(s) Name

\_\_\_\_\_  
Landlord's Name

and all occupants       named tenants only

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Email Address

### Check one: (must attach a copy of the Notice)

- No Cause Notice       Breach of Contract       Nuisance / Waste Notice  
 Other: \_\_\_\_\_

On (insert date of service) \_\_\_\_\_, I served this notice in the following manner (check only one):

- By Delivering a copy to the tenant(s) personally;
- Because the tenant(s) was absent from tenant's place of residence, by leaving a copy with *(insert name or physical description of person served)* \_\_\_\_\_, a person of suitable age and discretion, AND mailing<sup>1 & 2</sup> a copy to the tenant(s) at tenant's place of residence.
- Because neither tenant nor a person of suitable age or discretion could be found there, by posting a copy in a conspicuous place on the property AND mailing<sup>1 & 2</sup> a copy to the tenant(s) at the place where the property is situated.

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

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Officer's Name)

\_\_\_\_\_  
(Badge #)

\_\_\_\_\_  
(Officer's Signature)

**OR**

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Server's Name)

\_\_\_\_\_  
(License #)<sup>3</sup>

\_\_\_\_\_  
(Officer's Signature)

1 When notice is also mailed you cannot include non-judicial days in the computation, and you must add an additional three (3) calendar days for mailing (JCRCP 6(a)). Judicial days do not include the date of service, weekends, and certain holidays.

2 If mailing of notice is used you must file with the court a "certificate of mailing" issued by the United States Post Office per NRS 40.280(3).

3. A server who does not have a badge or license number may be an agent of an attorney licensed in Nevada. Notices served by agents must also include an attorney declaration as proof of service.

**UNLAWFUL DETAINER**  
**(NRS 40.254)**

TO: \_\_\_\_\_  
Tenant(s) Name

\_\_\_\_\_  
Tenant(s) Name

and all occupants       named tenants only

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone Number

FROM: \_\_\_\_\_  
Landlord's Name

\_\_\_\_\_  
Landlord's Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Email Address

Date of Service: \_\_\_\_\_

**YOU ARE GUILTY OF AN UNLAWFUL DETAINER.**  
**YOU ARE REQUIRED TO QUIT (OR LEAVE) THE PREMISES.**

**YOU MAY CONTEST THIS NOTICE by filing an Affidavit (or Answer), no later than the fifth (5<sup>th</sup>) full judicial day<sup>1</sup>&<sup>3</sup> following the Date of Service of this notice, with the Justice Court for the Esmeralda Township, stating that you are not guilty of an unlawful detainer.**

**The Esmeralda Justice Court is located at:**

**403 Crook Avenue  
Goldfield NV 89013**

**YOU CAN OBTAIN AN AFFIDAVIT/ANSWER<sup>2</sup> FORM AND INFORMATION at the Esmeralda Justice Court located at the Esmeralda County Courthouse, Goldfield Nevada, or on its website, [www.accessesmeralda.com](http://www.accessesmeralda.com).**

If the court determines that you are guilty of an unlawful detainer, the court may issue a summary order for your removal or an order providing for your nonadmittance, directing the sheriff or constable to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff or constable. The sheriff or constable shall then remove you not earlier than 24 hours but not later than 36 hours after the posting of the order. You may request that the court stay the execution of the order for removal or nonadmittance for a period of no more than 10 days by stating the reasons why a stay is warranted.

Pursuant to NRS 118A.390, a tenant may seek relief if a landlord unlawfully removes the tenant from the premises or excludes them by blocking or attempting to block their entry upon the premises, or willfully interrupts or causes or permits the interruption of any essential service required by the rental agreement or Chapter 118A of the Nevada Revised Statutes.

<sup>1</sup> Judicial days do not include the date of service, weekends, or certain legal holidays.

<sup>2</sup> To file an Affidavit, you **MUST** bring this Notice, a copy of your lease if applicable and a **\$51.00** filing fee to the address listed above.

<sup>3</sup> The close of business varies between the courthouses, so make sure to check the business days and hours for the Justice Court listed above.

## DECLARATION OF SERVICE

TO: \_\_\_\_\_  
Tenant(s) Name

FROM: \_\_\_\_\_  
Landlord's Name

\_\_\_\_\_  
Tenant(s) Name

\_\_\_\_\_  
Landlord's Name

and all occupants       named tenants only

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Email Address

**Check one: (must attach a copy of the Notice)**

- No Cause Notice**       **Breach of Contract**       **Nuisance / Waste Notice**  
 **Other:** \_\_\_\_\_

On (insert date of service) \_\_\_\_\_, I served this notice in the following manner (check only one):

- By Delivering a copy to the tenant(s) personally;
- Because the tenant(s) was absent from tenant's place of residence, by leaving a copy with *(insert name or physical description of person served)* \_\_\_\_\_, a person of suitable age and discretion, AND mailing<sup>1 & 2</sup> a copy to the tenant(s) at tenant's place of residence.
- Because neither tenant nor a person of suitable age or discretion could be found there, by posting a copy in a conspicuous place on the property AND mailing<sup>1 & 2</sup> a copy to the tenant(s) at the place where the property is situated.

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

\_\_\_\_\_  
(Date)                      (Officer's Name)                      (Badge #)                      (Officer's Signature)

**OR**

\_\_\_\_\_  
(Date)                      (Server's Name)                      (License #)<sup>3</sup>                      (Officer's Signature)

1 When notice is also mailed you cannot include non-judicial days in the computation, and you must add an additional three (3) calendar days for mailing (JCRCP 6(a)). Judicial days do not include the date of service, weekends, and certain holidays.  
2 If mailing of notice is used you must file with the court a "certificate of mailing" issued by the United States Post Office per NRS 40.280(3).  
3. A server who does not have a badge or license number may be an agent of an attorney licensed in Nevada. Notices served by agents must also include an attorney declaration as proof of service.

# JUSTICE / MUNICIPAL CIVIL COURT COVER SHEET

Esmeralda Township, Esmeralda County, Nevada

Case No. \_\_\_\_\_  
(Assigned by Clerk's office)

Interpreter Needed:  No  Yes      Language: \_\_\_\_\_

**I. Party Information** *(provide both home and mailing addresses if different)*

Plaintiff(s) (name/address/phone):	Defendant(s) (name/address/phone):
E-mail Address	E-mail Address
Attorney (name/address/phone):	Attorney (name/address/phone):
Law Firm / Bar #	Law Firm / Bar #
E-mail Address	E-mail Address

**I. Nature of Controversy** *(please select the one most applicable filing type below)*

**Civil Case Filing Types**

Real Property	Torts	Protection Orders
<p><b>Real Property</b></p> <input type="checkbox"/> Landlord/Tenant (Summary Eviction) <input type="checkbox"/> Unlawful Detainer Complaint (Writs of Restitution) <input type="checkbox"/> Other Real Property	<p><b>Negligence</b></p> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence  <p><b>Other Torts</b></p> <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Other Torts	<p><b>Protection Order</b></p> <input type="checkbox"/> Request for Domestic Violence Protective Order <input type="checkbox"/> Request for Protection Order (Non-Domestic Violence) <input type="checkbox"/> Sexual Assault Related  <p><b>Protection Order-Extension Request</b></p> <input type="checkbox"/> Request for Extended Domestic Violence Protective Order <input type="checkbox"/> Request for Extended Protective Order (Non-Domestic Violence)
<p style="text-align: center;">Contract Case</p> <p><b>Seller Plaintiff (Debt Collection)</b></p> <input type="checkbox"/> Credit Card Collection <input type="checkbox"/> Payday Loan Collection <input type="checkbox"/> Debt Collection Agency <input type="checkbox"/> Other Debt Collection  <p><b>Other Contract Case</b></p> <input type="checkbox"/> Contract Buyer Plaintiff <input type="checkbox"/> Other Contract Case	<p style="text-align: center;">Other Civil Filings</p> <p><b>Other Civil Filing</b></p> <input type="checkbox"/> Contested Liens Case <input type="checkbox"/> District Court Order to Seal Records <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Other Civil Matters	

Date \_\_\_\_\_

Signature of initiating party or representative \_\_\_\_\_

1 Case No. \_\_\_\_\_

2 Dept. \_\_\_\_\_

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IN THE JUSTICE COURT OF ESMERALDA TOWNSHIP  
COUNTY OF ESMERALDA, STATE OF NEVADA

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\_\_\_\_\_

**LANDLORD'S  
COMPLAINT FOR  
SUMMARY EVICTION**

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Landlord(s),

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vs

- No Cause
- Tenancy-At-Will
- Perform Lease Condition
- Nuisance/Waste/Assigning/Subletting  
Unlawful Business/Drug Violation

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\_\_\_\_\_

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Tenant(s) /

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Landlord or Landlord's authorized agent states as follows pursuant to NRS 40.253:

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1. I am the  owner or  owner's agent of the rental premises located at

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(insert rental's address) \_\_\_\_\_, in

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the township of Esmeralda, Nevada.

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2. The tenancy started on (insert date) \_\_\_\_\_.

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3. The tenancy is (check one box)  periodic month to month,  periodic week to week,

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fixed term with the tenancy ending on (insert date tenancy ends) \_\_\_\_\_

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tenancy at will, or  other (describe) \_\_\_\_\_.

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4. Tenant has not complied with the terms of the rental agreement or with the obligations of

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tenants set forth in Chapter 118A of the NRS as follows (describe tenant's violation):

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\_\_\_\_\_

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5. Tenant was served with a written notice to quit on *(insert date notice served)*  
\_\_\_\_\_ in compliance with NRS 40.280, and a copy of that notice is attached or  
submitted with this complaint.

6. I examined the rental property on *(insert date you checked rental property)*  
\_\_\_\_\_ and Tenant remained in possession, in addition, if Tenant was served with a  
Five-Day Notice to Perform Lease Condition or Quit, Tenant did not perform that lease condition  
as of the date of my examination.

7. Tenant *(check one box)*  did not sign a written rental agreement, or  did sign a written  
rental agreement, and a copy of that agreement is attached or submitted with this complaint.

8. Tenant's rent *(check one box)*  is not, or  is subsidized by a public housing authority  
or governmental agency, and a copy of the Housing Assistance Payment Contract (or "HAP") is  
attached or submitted with this complaint, and I have provided Southern Nevada Regional Housing  
Authority with a copy of the eviction notice pursuant to 24 C.F.R. § 982.310(e)(2)(ii).

THEREFOR, Landlord asks the Court to enter an Order for Summary Eviction of Tenant.

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

\_\_\_\_\_  
*(Date)*                      *(Print Name)*                      *(Signature)*