



## SMALL CLAIMS INFORMATION

### BASIC INFORMATION FOR PLAINTIFFS AND DEFENDANTS IN SMALL CLAIMS ACTIONS

1. Case filings are monitored by credit reporting agencies. It is very important that the Court be notified if a case is settled or a judgment paid, or the defendant's credit record may be blemished. Plaintiff must notify the Court in writing to clear the defendant's record.
2. When you have been served with an order of the Court to appear for trial in an action filed against you in the Small Claims Court of Esmeralda Township, you may, if you do not wish to contest the plaintiff's claim:
  - a. Make an out-of-Court settlement with the plaintiff before the date set for trial.
  - b. Make no appearance at the trial, in which case the plaintiff may be given a judgment by default for the amount claimed, plus costs.
3. If defendant wishes to contest the claim, defendant must appear on the date set for trial with all books, papers, and witnesses needed to establish a defense. Upon request, the clerk will issue subpoenas for appearance of any witness by any party. The defendant may also file a counter-claim against the plaintiff or a cross-claim against a third party. In such a case, the defendant must follow the same procedures as if he/she were a plaintiff for filing and prosecuting a claim. If the defendant's counterclaim arises from the same facts and circumstances involved in the plaintiff's claim(s), failure to file a counterclaim may result in a permanent waiver thereof. The defendant may file an answer to the accusations made by the Plaintiff by filing an "Answer". A form of answer can be obtained in person from the Court.
4. On the Court date, you must bring the original plus 2 sets of copies of any documents, pictures or statements that you will present at the hearing. The original is for the Judge, one copy is for the other party and one copy is for you. **Failure to bring adequate copies may result in the proposed evidence being disallowed by the Court.**
5. If the plaintiff recovers a judgment, he/she is entitled to immediate payment of the full amount of the judgment plus Court costs, or payment upon such terms as the judge may prescribe. Payments should be made directly to the plaintiff and not to the Court. When the judgment has been paid in full, plaintiff shall advise the Court that the judgment has been satisfied. Plaintiff is entitled to a writ of execution against wages or property unless payment arrangements are made immediately, if judgment is in plaintiff's favor. If a default judgment issues, 5 days must pass before an execution can be issued.
6. If either party is dissatisfied with the judgment, that party may, within 5 days after the date of entry of the judgment, appeal the Court's decision. Contact the Court directly for the procedure on appeal and important information regarding transcripts on appeal.

Attorneys are allowed in Small Claims Court in Nevada however, in such an instance, the Court is prohibited from awarding the recovery of such fees for their representation.

7. This trial will not be reported by an official Court reporter unless requested by either party. Without a Court reporter, there can be no transcript of the trial. If there is no transcript an appeal is still possible but more difficult. If either party desires a Court reporter, a deposit must be made to the Court within ten days of service of this notice. The parties may share the fee. Contact the Court for details and amount.
8. ATTENDANCE CODE: Persons wearing tank tops, shorts, cutoffs or hats WILL NOT be admitted into Court. Shoes and shirts are required. Parties under the influence of any amount of alcohol or any controlled substance will not be admitted into Court and will be treated as if they were absent.

**FOR ADDITIONAL INFORMATION, GO TO [www.accessesmeralda.com](http://www.accessesmeralda.com) OR CONTACT THE COURT DIRECTLY.**



**PROCEDURE FOR SUBMITTING SMALL CLAIMS AFFIDAVIT AND ORDER:**

1. The defendant must live, work or regularly do business in the Esmeralda County, Nevada area. Additionally, if the claim is based upon a contract to perform an obligation in the Esmeralda County, Nevada area, it may be filed in this Court. Type or Print all information on the Affidavit and Order. The Plaintiff section of the form must include any physical and mailing address along with a telephone number and email address to contact the person who will be appearing to present the case in court. The section for the Defendant requires the same information. If filing against a business or corporation, you need the Registered Agent information from the Secretary of State. [www.sos.state.nv.us](http://www.sos.state.nv.us) is a free website to obtain the information; you also may call 775.684.5708.
2. All documents filed with the Court must have an Affirmation attached to it pursuant to NRS 239B.030. The Affidavit and Order filed by the Plaintiff/Declarant has such Affirmation included.
3. Do not include court costs when computing the amount claimed. The costs will be added to the judgment if you prevail at the trial.
4. Note that you are signing under penalty of perjury. Do not fill in the filing date or court date, as the Court will do so upon your returning the form.
5. Please submit the following fees in cash or a check made payable to ESMERALDA TOWNSHIP JUSTICE COURT along with all copies of the form. The Court will return a copy to you to serve as notice of your trial date and time, along with a receipt for your filing fee.

(a) Sum claimed up to	\$1,000.00.....	\$66.00
(b) Sum claimed \$1,000.01 to	\$2,500.00.....	\$86.00
(c) Sum claimed \$2,500.01 to	\$5,000.00.....	\$106.00
(d) Sum claimed \$5,000.01 to	\$7,500.00.....	\$146.00
6. The Court may have information available relating to local process servers. If service is out of the Esmeralda County area, the court will return all service copies to the plaintiff for service. Plaintiff is required to contact a process server in the area where the service is to be made. The court must receive proof-of-service by the agency serving such notice prior to the trial date that was ordered. Failing to provide the proof by the required time will cause your trial to be taken off-calendar. To avoid a wasted trip, please contact the process server you retained or the court to be certain that service has been made prior to the trial date.
7. Once the case is filed, plaintiff must notify the Court when it is settled or paid to avoid slandering defendant's credit record.

Please go to [www.accessesmeralda.com](http://www.accessesmeralda.com) or contact the court at (775) 485-6359 if you require further assistance.

**AFFIDAVIT AND ORDER  
IN THE SMALL CLAIMS COURT OF ESMERALDA TOWNSHIP  
ESMERALDA COUNTY, STATE OF NEVADA  
(775) 485-6359**

**Plaintiff:** \_\_\_\_\_  
Mailing Addr.: \_\_\_\_\_  
Physical Addr.: \_\_\_\_\_  
Phone No.: \_\_\_\_\_  
Email Address: \_\_\_\_\_

VS

**Defendant:** \_\_\_\_\_  
Mailing Addr.: \_\_\_\_\_  
Physical Addr.: \_\_\_\_\_  
Phone No.: \_\_\_\_\_  
Email Address: \_\_\_\_\_

Check if Additional Defendants

**NOTICE**  
If either party requires a court reporter,  
please see Small Claims Information sheet  
for instructions.

**Case No.** \_\_\_\_\_ **SC-** \_\_\_\_\_

**IF APPLICABLE: SERVE SUMMON ON REGISTERED  
AGENT LISTED BELOW:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (Name)  
\_\_\_\_\_ (Address)  
\_\_\_\_\_ (City/ST/Zip)

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**AFFIDAVIT OF COMPLAINT**

STATE OF NEVADA, COUNTY OF ESMERALDA

I, the undersigned plaintiff, under penalty of perjury under the laws of the State of Nevada declare that the defendant(s) is (are) indebted to me in the sum of \$ \_\_\_\_\_ (plus court costs) for the following reasons:

I further declare, that I have demanded payment of said sum; that the defendant(s) refused to pay the same and no part thereof has been paid; and to the best of my knowledge at the commencement of the action, jurisdiction exists in this township under NRS 73.010.

I acknowledge that I have received and read the document entitled "Small Claims Information" and will comply with the requirements therein.

The undersigned does hereby affirm that pursuant to NRS 239B.030, this document does not contain the social security number of any person.

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

\_\_\_\_\_  
Plaintiff/Declarant

Filed On: \_\_\_\_\_

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**ORDER**

THE PEOPLE OF THE STATE OF NEVADA, to the within-named defendant(s): You are hereby directed to appear and answer the foregoing claim, in the above-entitled court at: ESMERALDA TOWNSHIP JUSTICE COURT, 403 Crook Avenue, Goldfield, Nevada. (775)485-6359. For additional information, go to [www.accessesmeralda.com](http://www.accessesmeralda.com)

On \_\_\_\_\_, at \_\_\_\_\_ M.  
reset for \_\_\_\_\_, at \_\_\_\_\_ M.  
reset for \_\_\_\_\_, at \_\_\_\_\_ M.

\_\_\_\_\_  
Tamara Chastain  
CLERK OF THE COURT

By \_\_\_\_\_ Deputy Clerk

COURT COPY                       PLAINTIFF'S COPY                       DEFENDANT'S COPY

Case No: \_\_\_\_\_ SC \_\_\_\_\_

\_\_\_\_\_ ,

Plaintiff,

v.

\_\_\_\_\_ ,

Defendant.

\_\_\_\_\_

I, the undersigned, declare I was, at the time of the service of the papers herein referred to, over the age of eighteen (18) years and not a party to the within-entitled action. I served the within Affidavit and Order in the above-entitled action by delivering to and leaving with the person or persons personally hereinafter named, a copy thereof, at the address and on the date set forth opposite each name of said person or persons, in the County of Esmeralda, State of Nevada, to wit:

<u>Name of Person Served</u>	<u>Street Address and City Where Served</u>	<u>Date of Service</u>

Fee for service \$ \_\_\_\_\_ Mileage \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

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

\_\_\_\_\_  
SIGNATURE OF PERSON MAKING AFFIDAVIT

**Return to:**

Esmeralda Township Justice Court  
403 Crook Avenue  
Goldfield, Nevada 89013  
Fax 775-485-6359  
Email [jp@esmeraldacountynv.org](mailto:jp@esmeraldacountynv.org)

\_\_\_\_\_  
(Name)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(City, St, Zip)  
\_\_\_\_\_  
(Phone)  
\_\_\_\_\_  
(Email)



**CONFIDENTIAL** Instructions for serving legal papers.  
**Type or Print Cleary and fill out all applicable information**

Person filling out these instructions: \_\_\_\_\_ Phone: \_\_\_\_\_

Plaintiff (applicant): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Physical Address: \_\_\_\_\_

Phone Number(s): \_\_\_\_\_

Person(s) to be Served: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Physical Address: \_\_\_\_\_

Phone Number(s): \_\_\_\_\_

Physical Description: Male/Fem. \_\_\_\_\_ Ethnic \_\_\_\_\_ Hgt \_\_\_\_\_ Wgt \_\_\_\_\_ Hair \_\_\_\_\_ Age \_\_\_\_\_

Other Identifying Notes: \_\_\_\_\_

Employer: \_\_\_\_\_ Address: \_\_\_\_\_

Work hrs: \_\_\_\_\_ Days Off: \_\_\_\_\_

Vehicle Description: \_\_\_\_\_

**Additional Information or Comments to Assist Enforcement Agency** (Places Frequented, Outstanding Warrants, Criminal Record, Attitude toward Law Enforcement, Mental State, Drug or Alcohol Problems, Weapons and Locations, Violent Temper):

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