

1 Case No. _____

2 Dept. _____

3
4 IN THE JUSTICE COURT OF ESMERALDA TOWNSHIP
5 COUNTY OF ESMERALDA, STATE OF NEVADA

6 * * * * *

7
8 **TENANT'S AFFIDAVIT
IN OPPOSITION TO
SUMMARY EVICTION**

9 _____,

10 Landlord(s),

11 vs

12 _____,

13 Tenant(s). /

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

14 Tenant, appearing in proper person, contests this matter pursuant to NRS 40.254 and states
15 as follows:

16 1. I am the tenant of the rental unit located at *(insert complete address of rental unit,*
17 *including city, state and zip):* _____.

18 2. My rent *(check one box)* is / is not subsidized by a public housing authority or
19 governmental agency.

20 **(Complete Section 3 ONLY if you received a**

21 **Three-Day Notice to Quit for Nuisance/Waste/Etc.)**

22 3. I received a three-day notice pursuant to NRS 40.2514. I disagree with this notice for the
23 following reasons *(check all that apply and provide your written explanation at end of this section):*

24 The acts Landlord describes in the notice do not meet the legal definition of "nuisance."¹

25 ¹ NRS 40.2514(4) defines "nuisance" as "conduct or ongoing condition which constitutes an unreasonable obstruction to
26 the free use of property and causes injury and damage to other tenants or occupants of that property or adjacent
buildings or structures" or violation of the controlled substance laws in NRS 453.011 TO 453.552.

1 Landlord's notice did not comply with Nevada law because *(check all that apply)*:

2 One or more of the notices was not served on me as required by NRS 40.280;

3 The Notice of Unlawful Detainer did not identify the court that has jurisdiction over
4 this case;

5 The Notice of Unlawful Detainer did not notify me of my right to contest this matter
6 by filing an affidavit with the court;

7 The Notice of Unlawful Detainer did not notify me of my right to request that the
8 court stay the execution of the order for a period not exceeding 10 days.

9 Other defense *(explain below)*.

10 *(State the facts and circumstances that support the defenses you checked above.)*

11 _____
12 _____
13 _____

Check if attaching continuation pages

14 **(Complete Section 4 ONLY if you received a**

15 **Five-Day Notice to Perform Lease Condition or Quit.)**

16 4. I received a five-day notice stating that I violated my lease agreement. I disagree with this
17 notice for the following reasons *(check all that apply and provide your written explanation at end of*
18 *this section)*:

19 The conduct Landlord alleges does not violate any term of my lease agreement.

20 I fixed (or "cured") the alleged violation of my lease agreement within five days after

21 Landlord's notice to me.

22 Landlord's notices did not comply with Nevada law because *(check all that apply)*:

23 One or more of the notices was not served on me as required by NRS 40.280;

24 *///*

25 *///*

26

- 1 The Notice to Perform Lease Condition or Quit did not specifically identify the
2 relevant lease provisions, the alleged violations and what I needed to do to save
3 the lease;
- 4 The Notice of Unlawful Detainer did not identify the court that has jurisdiction over
5 this case;
- 6 The Notice of Unlawful Detainer did not notify me of my right to contest this matter
7 by filing an affidavit with the court;
- 8 The Notice of Unlawful Detainer did not notify me of my right to request that the
9 court stay the execution of the order for a period not exceeding 10 days.

10 Other defense *(explain below)*.

11 *(State the facts and circumstances that support the defenses you checked above.)*

12 _____

13 _____

14 _____

Check if attaching continuation pages

15 **(Complete Section 5 ONLY if you received a**

16 **Seven-Day or Thirty-Day "No Cause" Notice to Quit.)**

17 5. I received a seven-day or thirty-day notice to vacate my rental premises. I disagree with
18 the notice for the following reasons *(check all that apply and provide your written explanation at*
19 *end of this section)*:

20 My lease agreement has not expired and will not expire until *(insert date)* _____.

21 My lease agreement has expired, but Landlord renewed my tenancy by accepting rent for
22 a new rental period and/or entering into a new Lease agreement.

23 I received a thirty-day notice to quit and am 60 years of age or older or have a physical or
24 mental disability. I gave Landlord written request (along with proof of my age or disability) on
25 *(insert date)* _____, asking to continue in possession for an additional 30 days.

1 Landlord (check one) approved my request on (insert date) _____, or rejected my
2 request,² or has not responded to my request.

3 Landlord's notices did not comply with Nevada law because (check all that apply):

4 One or more of the notices was not served on me as required by NRS 40.280;

5 The thirty-day notice did not notify me of my right to request to be allowed to
6 continue in possession for an additional 30 days as required by NRS 40.251(3).

7 The Notice of Unlawful Detainer did not identify the court that has jurisdiction over
8 this case;

9 The Notice of Unlawful Detainer did not notify me of my right to contest this matter
10 by filing an affidavit with the court;

11 The Notice of Unlawful Detainer did not notify me of my right to request that the
12 court stay the execution of the order for a period not exceeding 10 days.

13 Other defense (explain below).

14 (State the facts and circumstances that support the defenses you checked above.)

15 _____
16 _____
17 _____

Check if attaching continuation pages

18 **(Complete Section 6 ONLY if you received a**

19 **Five-Day Tenancy-At-Will Notice to Quit.)**

20 6. I received a five-day notice to vacate my rental premises. I disagree with the notice for
21 the following reasons (check all that apply and provide your written explanation at end of this
22 section):

23 I am not a tenant-at-will because I pay rent to the Landlord in the amount of (insert
24 _____
25 _____

26 ² If Landlord rejected your written request, NRS 40.251(4) allows you to file a petition with the court asking for the additional 30 days..

1 amount of rent) \$ _____ per (check one) month, week, or other (specify) _
2 _____.

3 I am not a tenant-at-will because I have an agreement with my Landlord regarding the
4 length of my tenancy (explain the agreement at end of this section):

5 Landlord's notices did not comply with Nevada law because (check all that apply):

6 One or more of the notices was not served on me as required by NRS 40.280;

7 The Notice of Unlawful Detainer did not identify the court that has jurisdiction over
8 this case;

9 The Notice of Unlawful Detainer did not notify me of my right to contest this matter
10 by filing an affidavit with the court;

11 The Notice of Unlawful Detainer did not notify me of my right to request that the
12 court stay the execution of the order for a period not exceeding 10 days.

13 Other defense (explain below).

14 (State the facts and circumstances that support the defenses you checked above.)

15 _____
16 _____
17 _____

Check if attaching continuation pages

18 **(The following sections may apply regardless of why you are being evicted.**

19 **Select all that apply.)**

20 7. This action is brought in violation of the Federal Fair Housing Act or Nevada laws
21 forbidding discrimination in housing (explain below).

22 8. This action is brought in violation of NRS 118A.510, which prohibits a landlord from
23 terminating a tenancy in retaliation for a tenant having engaged in certain protected acts (explain
24 below).

1 9. I am a tenant on property that has been foreclosed upon and sold. The new owner (*check*
2 *all that apply*):

3 Failed to serve me with the notice of change of ownership by NRS 40.255(2);

4 Is violation NRS 40.255 by failing or refusing to grant me an additional 60 days on the
5 property;

6 Is attempting to use the summary eviction procedure in violation of NRS 40.255(1),
7 which requires the new owner to use the formal unlawful detainer procedure under
8 NRS 40.290 to 40.240.

9 10. Other defense (*explain below*).

10 11. Pursuant to NRS 70.010 and JCRCP 110, I ask the Court to delay (“stay”) enforcement
11 of any summary eviction order for (*insert number of days, up to 10*) _____ for the following
12 reasons (*explain below*).

13 (*State the facts and circumstances that support the defenses you checked above.*)

14 _____
15 _____
16 _____

Check if attaching continuation pages

17
18 THEREFOR, I request that Landlord take nothing requested in Landlord’s Complaint.

19 **I understand that as long as the filing of this affidavit is timely, I will receive notice of my hearing**
20 **telephonically from the court at (provide number) _____**
21 **and**
22 **I understand that it is my responsibility to follow-up with the court**
23 **weekly, at 775-485-6359, if I do not hear from them.**

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

26 _____
(Date)

(Print Name)

(Signature)