

COMMUNITY LEGAL EDUCATION CLASSES

We are happy you have chosen to attend this legal education class and hope you will gain valuable information.

- This class is provided as a community service by the William S. Boyd School of Law, Legal Aid Center of Southern Nevada and Nevada Legal Services. The purpose of the class is to provide legal information to the public about court procedures, court rules and Nevada law, along with tips on how to present a case in court.
- This class is taught by law students. Law students are not attorneys and cannot offer legal advice. An attorney from the William S. Boyd School of Law, Legal Aid Center of Southern Nevada or Nevada Legal Services (the supervising attorney) will be present during the class to assist the law students.
- Forms are provided to assist you with representing yourself in court. However, the judge assigned to hear your case may require changes to these forms before he or she will accept them. A judge is not required to grant any of the relief requested in a form or discussed in this class. The disposition (result) in any case will be determined by the judge, based on the facts and law of that case.
- ***This class cannot take the place of a private attorney.*** We highly recommend that you consult with a private attorney prior to filing any documents in your case.
- This class is open to all members of the public. It is possible that both sides to a dispute may attend this class. You should not disclose any confidential personal information to the law students or the supervising attorney during class. Any confidential personal information you disclose in class is not privileged and could be discovered by another party in litigation.

<p>NOTE TO PARTICIPANTS: The William S. Boyd School of Law and Legal Aid Center of Southern Nevada will not provide you with legal advice specific to your case in this class and are not offering or agreeing to represent you in any legal matter by agreeing to your participation in this class.</p>
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INTRODUCTION

WHAT IS SMALL CLAIMS COURT?

Small Claims Court is a special division of Justice Court. Small Claims Court is designed to help parties who do not have attorneys resolve their disputes quickly and inexpensively. Claims in Small Claims Court are limited to claims under \$7,500.00, and judges are limited to ordering monetary damages. This means that judges in Small Claims Court can only order the other party to pay money. They cannot order the other party to perform an action, such as returning property or ceasing to play loud music.

Generally, parties in Small Claims Court represent themselves. This is called appearing *pro se*. Attorneys are allowed in Small Claims Court. However, the winning party in a small claims action cannot collect attorney's fees from the losing party. Thus, a claimant who hires an attorney will bear the burden of paying that attorney. Since parties generally represent themselves in Small Claims Court, the procedures and rules of evidence are more relaxed than in ordinary Justice Court.

Depending on how each court has structured its small claims division, your case may be heard by either a Referee or a Justice of the Peace. Generally, cases filed in Las Vegas will be heard by a Referee, and cases heard in the other townships will be heard by a Justice of the Peace. Sometimes this will affect which forms you need to use.

WHAT SHOULD I CONSIDER BEFORE I FILE A SMALL CLAIMS SUIT?

Rushing down to the courthouse to file a lawsuit should not be your first step. While there are many advantages to Small Claims Court, it is not always the best solution to every problem. Even though the rules are more relaxed and the procedures are less complex, filing a small claims case will take some effort. A good deal of planning and even some research may be necessary. Before you file a small claims case, you should evaluate your answers to the following questions:

- Do you have a good case?
- Are you willing to invest the time and energy?
- Are you asking for money or some other remedy?
- Is your claim for less than \$7,500.00?

- Have you attempted to settle or mediate?
- Has your time to file your claim expired?
- Can you locate the Defendant?
- Can you prove your case?
- If you win, will you be able to collect?

WHERE CAN I FIND FORMS AND HELP WITH FILING MY SMALL CLAIM ACTION?

In order to help parties in small claims actions better represent themselves, the courts have created forms for most of the documents you will need to file your claim. These forms are available for free at the Civil Law Self-Help Center at the Regional Justice Center and on the Self-Help Center's website, www.clarkcountycourts.us/CivilSHC/small-claims, where you can also find general information about small claims court procedures and practices. The Self-Help Center's forms are designed to be used in any Justice Court in Clark County. However, you might also be able to obtain forms and information directly from the Justice Court in which you're filing your case: For the Las Vegas Justice Court, go to <http://www.clarkcountycourts.us/lvjc/small-claims.html>; for the North Las Vegas Justice Court, visit the North Las Vegas Justice Court Website at <http://www.clarkcountynv.gov/depts/justicecourt/nlv/Pages/Forms.aspx>; and finally, for the Henderson Justice Court, visit the Henderson Justice Court website at <http://www.clarkcountynv.gov/depts/justicecourt/henderson/Pages/Small%20Claims.aspx>.

If you need help preparing your forms and filing your small claims case, you can visit the Civil Law Self-Help Center in person. The Center provides self-help legal information to those wishing to represent themselves in civil matters in the Clark County court system. The Self-Help Center has computers you can use and staff to assist you in filling out the correct

What is a statute of limitations?

A statute of limitation is a law setting a time limit on when you can file your case. If you wait to file your claim until after your statute of limitations has run out, your case can be dismissed.

In Nevada most statutes of limitations are found in NRS 11.190. Under NRS 11.190 claims for breach of a written contract must be filed within six years. Claims for the breach of an oral contract or deceptive trade practices must be filed in four years. Claims for injuries to personal property or claims for fraud must be filed within three years. Claims for injuries to a person must be filed in two years.

If you are not sure whether the time for your claim has expired, check NRS 11.190.

A Word of Warning.

There are businesses that will try to sell you court forms. Usually these forms are the same forms that are available for free on the court website. In other cases these forms may be outdated or may not be accepted by the court. Before you pay for forms, check to see if they are already available online or at the Self-Help Center. Additionally, there are paralegals and notarios who will offer to assist you in filing for a small fee. These people are generally not attorneys, and it is illegal for them to offer you legal advice or represent you in court. Before you pay for assistance, check to see if the Self-Help Center can help you instead.

paperwork. The staff can also answer general questions about small claims procedures and practices. Keep in mind, though, that the center staff cannot provide you with legal advice. Only you or your attorney can evaluate your case and develop your legal theories and strategy. The Self-Help Center is located on the first floor of the Regional Justice Center at 200 Lewis Avenue in downtown Las Vegas and is open from 8 a.m. to 4 p.m. Monday through Friday. You can also access the Self-Help Center staff and forms from a kiosk located in the lobby of the North Las Vegas Justice Court.

HOW DO I FILE MY SMALL CLAIMS CASE?

STEP ONE: **IDENTIFY THE RIGHT DEFENDANT(S)**

Identifying and suing the right defendant is one of the most important steps in your claim. You can sue more than one person for a claim about the same incident or contract. But each defendant must have some independent and actual interest in the subject matter of your suit and must be somehow at least arguably responsible for the damages you've suffered. Broadly speaking, in an action for breach of a contract, the defendant will usually be the person or business with whom you contracted. In a case alleging some type of personal injury or damage to property, the defendant will typically be the individual or business who actually caused the injury or damage. There are, however, any number of legal theories that could apply in your case that would operate to either increase or decrease the number of potential defendants. If you have any doubt about who to name as a defendant, you may need to perform some basic factual investigation and research the law applicable to your case.

Sometimes it can be tricky to locate an opposing party. Using a basic internet search engine often yields helpful results. There are also government records you can search to locate an opposing party. The Clark County Assessor's office provides property records online at www.clarkcountynv.gov/depts/assessor/pages/recordsearch.aspx. You can use the Assessor's records to discover who owns a particular piece of land. If you are suing a landlord, the Assessor's office is a valuable tool, as you must make sure you are suing the actual owners of the property.

The Clark County Recorder's office also keeps records involving real property, marriages, divorces, deaths, and births. These records may be helpful in providing an address for your opposing party. However some of these records may require a fee in order to view them. Others are not available online in their entirety, and you will have to go to the Recorder's office or Las Vegas city hall to view them.

Court records can also be a useful way to locate individuals. If you know an individual's name, you can search to see if they have recent traffic violations, justice court civil suits, and district court civil or criminal cases at www.clarkcountycourts.us/Anonymous/default.aspx. While the person's address will usually not be online, you can go to the courthouse in person and get copies of court records that may have an address. Recent traffic tickets can be especially useful as they usually have an address and driver's license number on the ticket.

Suing a business can be a little more complicated. Sometimes a business is owned by an individual, and sometimes a business is owned by corporate entity. If the business is a corporation, you will generally have to name the corporation in your lawsuit. If a business is owned by an individual you will have to name both the individual and the business (e.g. "Jane Smith d.b.a. ABC Antiques," which signifies Jane Smith "doing business as" ABC Antiques).

You will also want to make sure you have the correct name for a business listed on your lawsuit. While you may know a business as ABC Antiques, its legal name may be Fine Antiques, Inc. doing business as ABC Antiques. When a business uses a name other than its own, it must file something called a Fictitious Firm Name Certificate with the County. To find out if a business uses a fictitious name, contact the Clark County Clerk or use the searchable database of fictitious business names on the Clark County Clerk's website at www.accessclarkcounty.com/depts/clerk/pages/ffn.aspx.

The Secretary of State's office has a searchable database of businesses operating in Nevada at nvsos.gov/sosentitysearch/, the Clark County Clerk's Office has a database for Clark County businesses at sandgate.co.clark.nv.us/businessLicense/businessSearch/blindex.asp, and the City of Las Vegas has a searchable business license database at http://www.lasvegasnevada.gov/CheckStatus/business_licenses.htm

STEP TWO:

DETERMINE THE EXACT AMOUNT OF YOUR CLAIM

You must determine the exact amount of money you are seeking to recover. This may seem obvious, but in some circumstances it may not be that simple. For example, if you are basing your claim on the estimated cost to repair something, you should obtain three estimates so that the judge can determine the proper amount you should be paid. If you are basing your claim on the estimated cost to replace something, keep in mind that the Judge may only

Are punitive damages available in Small Claims Court?

Yes. Punitive damages (damages that do not compensate a plaintiff for any actual loss that he suffered) may be awarded in cases other than those for breach of contract if the plaintiff proves that the defendant was guilty of "oppression, fraud, or malice..." NRS 42.005(1) The amount of punitive damages to be awarded is to be determined in a subsequent proceeding. The total award must still be within the \$7,500 limit.

Can I get damages for emotional pain and suffering?

Yes, if you can prove the damages. The total award must still be within the \$7,500.00 limit.

consider the current value of the lost or destroyed item, and not the replacement cost. Some costs, however, may not be recoverable such as time off from work, parking, photocopies, babysitting services, etc.

You may be entitled to extra damages, called statutory damages, in some instances. Statutory damages are damages specified by a particular statute or regulation. If you are requesting statutory damages, you should include a copy of the statute with your other evidence. You may want to consult with an attorney or do some research at the law library.

Remember that the Judge can always award you less than you requested, but never more. If your claim is for more than \$7,500, you may waive the amount above \$7,500, but you cannot split one large claim into two smaller claims in order to file your case in Small Claims Court.

STEP THREE:

SENDING A DEMAND LETTER

Justice Court rules require you to ask the other party for payment before you sue them. You must send a letter demanding payment to the other party via certified mail, return receipt. This letter must go to each person or business you plan to sue before you can file a small claims case. You will need to provide the return receipt to the court when you file your Complaint.

It is usually best to send a typed letter, rather than a handwritten letter. Your letter should include the exact amount of money you are seeking, and why you believe you are entitled to it. You may want to include a concise review of the facts.

Never include personal attacks or anything else you would not want the Judge to read. Your letter should be polite and professional, with the goal of encouraging the opposing party to resolve the dispute amicably. You should end your letter by informing the opposing party that you will pursue the matter in Small Claims Court.

<p>Jane Doe 123 Elm Street Las Vegas, Nevada 89000 (702) 555-5555</p> <p>January 1, 2009</p> <p>Owen Bucks 456 Unpaid Lane Las Vegas, Nevada</p> <p>Dear Mr. Bucks</p> <p>This letter is a demand for payment in the amount of \$1,300.00. As you know, you borrowed \$1,500.00 from me on December 23, 2007. You agreed to repay me \$200 per month, but have only made one payment.</p> <p>I have tried to call you several times to reestablish payments, but you repeatedly hang up on me. I would like to try and resolve this, and I am willing to begin accepting monthly payments again.</p> <p>Please call me within 10 days to work something out. Otherwise, I will have no other option than to file a claim in Small Claims Court. I will request reimbursement for the costs I will incur as a result of having to file a court action.</p> <p>Sincerely, <i>Jane Doe</i></p> <p>Sent certified mail, return receipt</p>
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You can find a form for a standard demand letter on the Self-Help Center's website at <http://www.clarkcountycourts.us/CivilSHC/small-claims/forms.html>.

Do not forget to keep copies of your letters, any correspondence you receive from the defendant, the certified mail receipt, and the return receipt postcard. If you still are not sure what to say in your demand letter, your local library has books about Small Claims Court and writing demand letters that you may find helpful.

STEP FOUR: **FILING YOUR COMPLAINT**

The "Plaintiff" (the person filing the claim) must wait at least 10 days from the date the demand letter is sent to file the small claims case. In Henderson, the court requires you to wait at least 15 days. After this time period, you can file your Affidavit of Complaint for Small Claims (Page 39). The person being sued is the "Defendant."

Don't forget to keep records of all of the costs you have incurred for postage and filing and serving your Complaint. You can recover some of these costs if you win.

You must file your Complaint in the township where the Defendant currently lives, works, or does business. Your Complaint should be typed or completed online and printed out. The Self-Help Center has computers you can use to type your Complaint if you do not have a computer or typewriter of your own.

When you go to the Court Clerk to file the Complaint, you will need:

- The original Complaint (and 3 copies if you are filing in North Las Vegas or Henderson);
- The demand letter;
- The return receipt postcard of sending the demand letter; and
- The correct filing fee.

The filing fee can be paid by cash, VISA®, MASTERCARD®, ATM and debit cards, money order, or cashier's check. Current filing fees are:

- \$46.00 for claims between \$0.00 - \$1,000.00
- \$66.00 for claims between \$1,000.01 - \$2,500.00.
- \$86.00 for claims between \$2,500.01 - \$5,000.00.
- \$146.00 for claims between \$5,000.01 - \$7,500.00.

If you are unable to pay the filing fee, you may file a fee waiver, also called an Application to Proceed *In Forma Pauperis*. The form to apply for a fee waiver is available at the Self-Help Center or on its website at <http://www.clarkcountycourts.us/CivilSHC/small-claims/forms.html>.

In Henderson and North Las Vegas you will be assigned a case number and a hearing date approximately 90 days out when you file your Complaint. In Las Vegas you will receive a case number, but nothing will be scheduled in your case until after you have served the Defendant and the Defendant has filed an Answer.

E-FILING

In Las Vegas Justice Court, all documents must be filed using the court's electronic filing (e-filing) system. E-filing is mandatory for all court documents. In order to e-file, you must have a working e-mail address. It is very important that you check this e-mail address regularly as court notices will be sent to your e-mail address. E-filing kiosks are available in the Justice Court Clerk's Office at the Regional Justice Center. A court clerk is also available at the Self-Help Center to assist you with e-filing your Complaint, so long as you are paying your small claims filing fee by credit or debit card or are submitting an application to waive the filing fee.

For a step by step guide to e-filing in Las Vegas Justice Court visit the e-filing website at <http://wiznet.wiznet.com/clarknv/pages/pdf/OfS%20ClarkCounty%20How%20to%20File%20a%20Small%20Claims%20Case.pdf>.

WHERE DO I FILE?

You must file in the township where the defendant in the case lives, works, or does business. If you are not sure which township is the correct one, you can check the defendant's address at the online jurisdiction finder for Clark County at: <http://gisgate.co.clark.nv.us/ziploc/>.

STEP FIVE:

SERVING YOUR COMPLAINT

After you file your Complaint, a copy of the Complaint must be delivered to each Defendant. This is called "service of process." It is good practice to serve the Defendant immediately after filing the Complaint. In the Las Vegas Justice Court, the Plaintiff is required to serve three documents on the Defendant: The Affidavit of Complaint, the Instructions to Plaintiff or Defendant, and the Small Claims Answer.

Service of process must be completed by a person who is NOT a party in the lawsuit and who is over the age of 18. Service of process may also be performed by the Constable, Sheriff, or private process service. The fee is usually about \$17.00 plus \$2.00 for each mile traveled in serving the Complaint. If you use the Constable, you'll need to provide the Constable with four copies of your Complaint.

An Affidavit of Service form (Page 41) must be completed by the process server and filed with the Court to demonstrate that the Defendant was properly served with the Complaint. If you use the Constable, Sheriff, or a private process server, they will either file the Affidavit of Service

with the court or provide it to you to file in your case. When you receive the Affidavit of Service, you must return it the court as soon as possible. If the court is not satisfied that the Defendant was served, your case will not be heard. If service is incorrect for any reason, your case may be dismissed or continued.

HOW LONG DO I HAVE TO SERVE A DEFENDANT?

The service deadline depends on the township in which you file your claim. In Las Vegas Township, you have 120 days from the date you file your Complaint to serve your Defendant. In North Las Vegas and Henderson townships, you must serve your Defendant (and file the Affidavit of Service with the Court) at least ten business days before the hearing date you received when you filed your case.

HOW DO I SERVE AN INDIVIDUAL?

Each Defendant must be personally served with their own copy of the Complaint, even if they live at the same address (and a separate Affidavit of Service must be filed for each Defendant). Personal service means that the Defendant must be given a copy of the Complaint personally. The only exception to this rule is if the Complaint is served at the Defendant's home. A process server can leave the Complaint at Defendant's home address with any suitable adult. However, the Complaint must be given to a person and cannot simply be left in the doorway.

You may wish to research the Nevada Revised Statutes to determine whether there is any alternative method of service allowed in your type of case. For example, if your case involves damages or loss you suffered as the result of the Defendant's use of a motor vehicle in Nevada, you may be able to serve the Defendant through the Nevada Department of Motor Vehicles. If your Defendant lives in a guard-gated community, you may be able to serve the Defendant by leaving a copy of the Complaint with the guard. In an action against a landlord, you may be able to serve your Complaint on the property manager or the party who entered into the rental agreement on the landlord's behalf (when there is no other agent designated in the lease). See Justice Court Rule of Civil Procedure #4 for more information.

If you've made several failed attempts to serve your Defendant, you can ask the court for permission to serve the Defendant by certified mail. To obtain the Court's permission, you must file a Motion for Service of Small Claims Complaint by Certified Mail form, which is available at the Self-Help Center or on its website at <http://www.clarkcountycourts.us/CivilSHC/small-claims/forms.html>. Be prepared to provide proof of all of the ways the process server attempted to serve the Defendant personally. Service by publication is rarely, if ever, ordered in small claims cases.

HOW DO I SERVE A BUSINESS?

If you are suing a corporation or other business, you generally must serve a person called the "registered agent." All corporations, limited partnerships ("LPs") and limited liability companies ("LLCs") are required by law to designate an agent to accept service of lawsuits. Corporations must provide the name and address of this agent to the Nevada Secretary of State's office. You can find a company's registered agent by using the Business Entity Search on the Secretary of State's webpage at nvsos.gov/sosentitysearch/CorpSearch.aspx.

If a business has designated a registered agent, you can serve your lawsuit on the business by delivering a copy of the Complaint to the registered agent. You can serve the registered agent personally, or you can leave a copy of the Complaint with a person of suitable age and discretion at the address listed on the Secretary of State's website. However, bear in mind that the registered agent is not a party to the lawsuit. The registered agent is simply the entity that accepts the paperwork on behalf of the business. Do not name the registered agent as a defendant in your lawsuit.

Sometimes businesses change their registered agent, but do not update their information with the Secretary of State's office. In such a case, you may have several alternatives for service. For instance, a corporation incorporated in Nevada may also be served by personal service on the corporation's president, secretary, cashier or managing agent. JCRCP 4(d)(1). If the corporation is incorporated outside the State of Nevada, a lawsuit may be served on the foreign corporation's managing agent, cashier, or secretary if they are *within* Nevada. JCRCP 4(d)(2).

If a corporation, LP or LLC has not complied with the requirement to provide an agent who will accept lawsuits, and there is no other person you can serve, you may be able to serve the business by mailing a copy to the Nevada Secretary of State, posting another copy in the office of the court clerk in the court where you filed your suit, and mailing copies of the Complaint to any corporate representatives located out of state. JCRCP 4(d). However, before you do this, you will need to get permission from the court by submitting an affidavit to the court explaining everything that you did to try to serve the corporation or partnership and why serving the Secretary of State's office is your only viable alternative.

The rules on serving businesses and other entities can be complicated. If you are not sure how to serve your opposing party you can check the rules on service in Rule 4 of the Justice Court Rules of Civil Procedure. You should also look at Chapter 14 of the Nevada Revised Statutes, which provides information on serving other entities, including government agencies.

Generally, a domestic corporation that has gone out of business can be sued up to two years after the corporation dissolves. If you are planning on suing a corporation that has gone out of business, read NRS 78.585 to make sure you are fulfilling all the appropriate requirements.

IF YOU HAVE BEEN SERVED WITH A SMALL CLAIMS COMPLAINT

If you are the defendant in a small claims case in Henderson or North Las Vegas, you do not need to file anything in response to the Complaint. However, if you are a defendant in Las Vegas Justice Court, you need to file a written Answer to the Complaint within 20 days after you receive it. If you do not file a written Answer within twenty days, the Plaintiff can obtain a default judgment against you. This means that the court will order you to pay the Plaintiff money even though you did not have a hearing.

If you believe the Plaintiff owes you money, you can file a Counterclaim form (Page 44). Just as if you were the Plaintiff, you must complete the Counterclaim form, make three copies, and file it with the clerk of the Justice Court where Plaintiff initially filed the Complaint against you. The filing fee schedule is the same filing a Complaint and a Counterclaim, and is based on the amount of your claim. The Counterclaim must be personally served on the Plaintiff.

Even if you do not think you have a defense – a valid reason for not paying – you should answer the Complaint and attend the hearing. You should never ignore a Summons! If you believe you have a defense, you should do research, prepare your case, organize your evidence, and practice presenting your case just like the Plaintiff. If you are unsure whether or not you have a legal defense, you may want to consult with an attorney or do your own legal research.

MEDIATION

The Justice Courts in Las Vegas, North Las Vegas, and Henderson all require you mandatory mediation with the Neighborhood Justice Center before you proceed with your lawsuit.

WHAT IS MEDIATION?

Mediation is a process in which opposing parties meet with a neutral third party to try and reach a mutually agreeable solution. Mandatory mediation is conducted by trained mediators with the Neighborhood Justice Center (NJC) at 330 S. 3rd St., Suite 600, Las Vegas, Nevada. Mediation with NJC is free and confidential.

Mediation starts with all the parties meeting in one room. Each party has a chance to share their view of the dispute without interruption. After the initial meeting, each party has a private

session with the mediator to talk about possible ways to solve the dispute. The mediator will then bring the parties back together to talk about mutually agreeable solutions.

Mediators are not judges. They will not decide which party is right or wrong. Nor will they decide whether one party is telling the truth. They will not advise the parties on how to proceed. The mediator is only there to facilitate a respectful environment to help the parties look at their goals and options so they can find a solution that leaves everyone satisfied.

One of the advantages of mediation is that you can reach agreements that include provisions that can't be ordered in small claims court. Small claims judges can only award money, but a mediation agreement can include other types of satisfaction tailored to the needs of the individual participants.

HOW DO I SIGN UP FOR MEDIATION?

You will automatically be sent to mediation in Henderson, Las Vegas, and North Las Vegas justice courts. However, the process of attending mediation is different in each jurisdiction.

If you have filed a Complaint in Henderson Justice Court, you will automatically be sent to mediation at the courthouse when you show up for your hearing date. If your mediation is not successful, you will proceed with your hearing on the same day.

If a Complaint and Answer have been filed in Las Vegas Small Claims Court the court will automatically refer you to mediation with the Neighborhood Justice Center after a written Answer has been filed in your case. The Court and the Neighborhood Justice Center will usually schedule your mediation at the Neighborhood Justice Center ten to twenty days after an answer is filed in your case. If your mediation is not successful, the court will schedule a hearing date for you two to four weeks after your mediation.

If you have filed a Complaint in North Las Vegas, you will be given a court date when you file your Complaint. You will have your mediation session at the courthouse on the date listed on your complaint. If your mediation is not successful, your hearing will be scheduled for the next available court session. Small claims court is usually held every three weeks.

You can ask for an exemption to the mandatory mediation in Las Vegas Small Claims Court by filing a motion asking the Court to waive the mediation requirement. The motion should be filed with the initial complaint or answer.

If you simply want to try a free mediation instead of filing a lawsuit, you can still try mediation by contacting the NJC at (702) 455-3898. They will then contact your opposing party to see if they are interested in trying to mediate your dispute. Unfortunately, unless mediation has been mandated by the court, you can only go to mediation if your opposing party agrees to it. North Las Vegas also has mediators available on site before Small Claims Court sessions.

WHAT HAPPENS IF I DO NOT ATTEND A MANDATORY MEDIATION?

If you do not attend mandatory mediation, the court will enter a judgment against you.

DO I HAVE TO MAKE AN AGREEMENT DURING MEDIATION?

No. Although attendance at mediation is mandatory in the Las Vegas Small Claims Court, it is not mandatory that you make an agreement during the mediation.

WHAT HAPPENS IF I DO REACH AN AGREEMENT WITH THE OPPOSING PARTY?

If you do reach an agreement with the opposing party, the mediator will write up the agreement for you on one of the NJC's forms. Both parties will sign the written agreement. That agreement then becomes a written contract and can be enforced by both parties. If one party breaches the agreement, the other party can obtain a default judgment without having to go to a hearing by notifying the court of the default. Thus, defendants should be aware that if they sign an agreement in mediation and then breach the agreement, they will not have an opportunity to contest either the breach or the underlying issue in court. Moreover, defendants should be very wary of signing a mediation agreement that imposes a monetary penalty on them for breaching the agreement.

WHAT HAPPENS IF I DO NOT REACH AN AGREEMENT DURING MEDIATION?

If you do not reach an agreement during mediation, you can proceed with your lawsuit. There is no penalty for failing to reach an agreement. In the Henderson Justice Courts you will have your court hearing directly after your mediation. In cases with the Las Vegas Justice Court, the NJC will forward a statement to the court that you were not able to reach an agreement, and the court will schedule a hearing for your case. Court hearings in Las Vegas Small Claims Court are usually scheduled two to four weeks after mediation. In North Las Vegas your hearing will be scheduled for the next available court session, which is usually three weeks later.

PREPARING FOR YOUR HEARING

CAN I CHANGE MY COURT DATE?

If you need to change your hearing date, do not send a letter to the judge or court. Instead, you should file a Motion to Continue. These forms are available at the Civil Law Self Help Center or online. You should file your motion as soon as possible. Keep in mind that the Court does not have to change your hearing date.

WHAT DO I DO IF I NEED INFORMATION FROM THE OTHER PARTY OR WITNESS TO COME TESTIFY FOR ME?

A witness may be the difference between winning and losing your case. It is usually a good idea to interview your witness before the hearing to avoid any surprises. You should not, however, try to change your witness's story.

If you are not sure whether or not a witness will voluntarily appear at the hearing, you may consider issuing a subpoena. If you decide it is necessary, you should complete, file and have the Subpoena form served as soon as possible before the hearing. Your Affidavit of Service of the Complaint form must be filed before the Court will issue a subpoena. If you subpoena a witness, you must pay a witness fee of \$25.00 per day and mileage reimbursement. You must also pay the Constable/Sheriff a \$17.00 fee and \$2.00 per mile to serve the subpoena.

The Subpoena form is for either a regular subpoena or a subpoena *duces tecum*. A regular subpoena requires the witness to appear at the hearing. A subpoena *duces tecum* requires the witness to appear and bring certain evidence or documents. As there is no discovery process for Small Claims Court, a subpoena *duces tecum* is the only way you can require your opposing party to bring certain documents to court.

When completing the form, make sure the hearing date is correct. If the hearing date changes, you will have to issue another subpoena. The Constable, Sheriff or private process server must serve the subpoena.

ARRANGING FOR A COURT INTERPRETER

If you or a witness will require the assistance of an interpreter, you should bring one with you or you may contact the District Court Interpreter's Office to make arrangements for an interpreter to be present on your court date. An interpreter cannot be your spouse, be related to you, be biased for or against one of the parties, or otherwise interested in the outcome of the hearing.

Generally, an interpreter must be court approved and you should use one from the District Court Interpreter's Office.

FAMILIARIZING YOURSELF WITH COURTROOM PROCEDURE

Before your hearing, you should consider observing Small Claims Court in action. This is especially helpful if you are nervous about your upcoming hearing or if you just want to get an idea of what to expect. You can call the court clerk or visit the court's website for a schedule of upcoming small claims hearings. The court's online calendar is at: <http://redrock.co.clark.nv.us/jcCalendar/CalendarSearch.aspx>.

ORGANIZING YOUR CASE AND EVIDENCE

Although you have been preparing and waiting for your hearing date for months, your hearing will only last for 10 or 15 minutes. Since you have such a short time, it is important to be prepared and be organized.

Before the hearing, you should prepare a brief outline to refer to during the hearing. Most Judges prefer that you do not read a prepared statement. Your outline should include the necessary facts and details about your case. Do not include unnecessary details, history, or be repetitious. You should explain why you believe you are entitled to the money you have requested and refer to any applicable laws upon which you are relying. And remember, it is up to you to prove your case.

Preparing your evidence for the hearing is just as important as preparing your thoughts. You should bring the original and three copies of any contract, check, photograph, police report, receipt, letter, estimate or any other document you wish to submit as evidence. You should also bring a copy of any law you refer to in your case. If you have several documents put them in a binder with tabs and prepare a table of contents listing each document and its corresponding tab. This will enable you to find your documents quickly when you go to court.

Once you are done with your research, preparing your outline, and organizing your evidence, you should practice presenting your case. It may be especially helpful if you practice presenting your case to someone who is not familiar with it. If something is confusing or does not make sense, you will know.

YOUR DAY IN COURT

Arrive early! The last thing you want to happen after all of the work you have done preparing for your day in court is to be late. Leave plenty of time to find a parking spot, walk to the courthouse, and find the correct courtroom.

Dress conservatively. You are not required to wear a suit, but you should refrain from wearing shorts, flip-flops, tank tops, halter-tops, or shirts that show your midriff. You must remove hats and sunglasses before entering the courtroom.

Your hearing will take place in a courtroom with many other people who have a hearing at the same time. Be polite and pay attention while waiting for your case to be called. Refrain from talking, chewing gum, listening to music and shuffling your papers. Be sure that your phone is turned off. If you must leave the courtroom, do so as quietly as possible. Respect the clerks, marshals, and other litigants.

The first order of business in Small Claims Court is for the clerk to call role and determine which parties are present. If the Plaintiff is not present, the Judge may dismiss the case. If the Defendant is not present, the Plaintiff may be awarded a default judgment for the full amount sought in the Complaint.

In Henderson and North Las Vegas the parties will be given an opportunity to mediate before court. If both parties agree to mediate, they will meet privately, outside of the courtroom, with a mediator. If the mediation is not successful, the parties may have their case heard before the Judge.

Cases for which both parties are present, and do not wish to mediate, are heard in the order of the case numbers. When your case number is called, proceed to the appropriate Plaintiff or Defendant table at the front of the courtroom.

HOW WILL MY HEARING PROCEED?

Usually, the Judge will ask the Plaintiff to present his case first, and then the Defendant. Throughout the hearing, the Judge will probably ask each party questions about the facts of the case or evidence. If the Judge asks for your evidence, hand it to the marshal. Do not approach the Judge unless instructed to do so. Always address the Judge as "Your Honor" or "Judge" and never interrupt or talk over the Judge.

Even if you believe your opponent is not telling the truth, you should remain calm and polite. Do not interrupt your opponent, talk to your opponent, or raise your hand to get the Judge's

attention. Instead, write down your point and wait for the Judge to address you about your opponent's statement and provide evidence to the contrary.

At the end of the hearing, the Judge will either issue a decision right away or take the case under advisement. When the Judge takes a case under advisement, it means that the decision is pending while the Judge considers the facts or researches questions of law. The Court will mail you a copy of the decision. A Referee's decision is called a Findings of Facts, Conclusions of Law and Recommendations. A Justice of the Peace's decision is called an Order.

There are a few different ways in which the Judge can rule on a case. If the Judge believes the Plaintiff failed to prove his case, the Judge can find in the Defendant's favor and enter judgment for the Defendant. If the Judge finds that the Plaintiff has proven his case and the Defendant had no defenses, the judge can find in the Plaintiff's favor and order the Defendant to pay to Plaintiff. In a case where the Defendant filed a Counterclaim and was able to prove his case, the Judge could find in his favor and order the Plaintiff to pay the Defendant. And sometimes, the Judge may find each party owes the other, and can offset one claim against the other.

If your address changes from the one listed on your Complaint, make sure you give the Court Clerk your new address or you may not receive a copy of the Judge's decision.

HOW TO APPEAL

The court's decision will not be binding or enforceable until the Formal Objection or Appeal period has expired. Both the Plaintiff and the Defendant have 5 business days (plus 3 days if the decision was mailed to you) to object or appeal the Judge's decision.

If your case was heard by a Referee, you will need to file a Formal Objection form (Page 57). There is no cost to file a Formal Objection. You will be given a new hearing before a Justice of the Peace.

If your case was heard by a Justice of the Peace, you will need to file an Appeal. To file an Appeal, you must pay a filing fee and post a bond for the entire amount of the Judgment. In order to file an Appeal, you will need to complete and file several forms including the Notice of Appeal, Statement of Evidence or Proceedings, Statement of Points, Certificate of No Transcript (if there is no transcript), Notice of Bond, and an Appellant Brief. These forms are available at the Self-Help Center. Your case will be heard by a District Court Judge, who will base his decision on the facts and evidence presented at the original hearing. An appellant to District

Court must post of bond of at least \$250.00 to appeal. If a defendant is appealing and wants to also stay the execution of the judgment, he must post the judgment amount, including costs and interest, unless the court orders otherwise.

If no Objection or Appeal is filed, the Court will automatically enter a Judgment against the losing party. A Judgment is an Order entered by the Court for or against a party for a specific amount of money.

EXECUTING THE JUDGMENT

HOW DO I COLLECT MY MONEY?

The good news is that you won your case and the court has entered a judgment against the other party. The bad news is that collecting your judgment may not be easy. The party who won and is entitled to collect the money awarded to him by the court is called the "Judgment Creditor." The party who lost and owes money to the Judgment Creditor is called the "Judgment Debtor." It is up to the Judgment Creditor – not the court – to collect from the Judgment Debtor.

If a Judgment Debtor does not voluntarily pay the judgment, the Judgment Creditor can seek to collect the money from the Judgment Debtor involuntarily. This is called "executing the judgment."

A Judgment Creditor can execute upon a Judgment Debtor's wages, real property, bank account, or cash box. There are a series of forms that the Judgment Creditor must file with the court clerk and the Constable/Sheriff in order to execute a judgment (Page 58).

The first form is the Writ of Execution, which is a routine court order that authorizes the Constable or Sheriff to take certain property belonging to the Judgment Debtor. A Notice of Execution, Instructions to the Constable/Sheriff, and a Writ of Garnishment (if appropriate) must also be completed. These documents must be typed, signed, and the originals plus three copies must be filed with the court clerk.

The Writ of Execution must be served by the Constable/Sheriff. The Judgment Creditor must pay the court and the Constable/Sheriff certain fees up front including:

- \$6.00 to the court to file the Writ of Execution;
- \$18.00 to the Constable/Sheriff for bank account or wage garnishment, plus \$2.00 per mile (as determined by the Constable/Sheriff);

- \$9.00 to the Constable/Sheriff for car, cash box, or property lien levy, plus \$2.00 per mile, and \$300.00 for storage and impound fees (for vehicles); and
- \$5.00 to the employer or bank, made payable to the employer or bank.

A Writ of Execution against the debtor's wages will remain in effect for 120 days. Wages are collected each payday for 120 days, unless the judgment is paid in full. If attaching the contents of a cash drawer or bank account, the execution is a one-time action, and must be re-filed until the judgment is paid in full or satisfied.

WHAT KIND OF PROPERTY CAN I COLLECT TO SATISFY THE DEBT?

GARNISHMENT.

You may be able to get a court order called a Writ of Garnishment to obtain a portion of the defendant's wages. In order to garnish wages, you must know the name and address of the employer of the person you have the judgment against. You cannot obtain more than 25% of the defendant's check or 50 times the minimum wage (currently \$362.50 per week), whichever is higher.

ATTACHMENT.

If garnishment is unavailable, you may seek a different kind of court order called a Writ of Attachment to obtain some of the defendant's property. If possible it is best to attach cash. To attach money in a bank account you need to know the defendant's bank name, address and, ideally, the account number. (Hint: find someone who wrote a check to the business to look on the back of the canceled check.) If the business has a cash register, you can execute against any cash on the property. You'll need the business' name and location.

RECORD A LIEN.

If the defendant owns a home or other real estate, you can record your judgment as a lien against the property. To do so, you must first submit an Abstract of Judgment form to the Court. The form is available at the Self-Help Center or on its website. A certified copy of the Abstract of Judgment can then be recorded with the Clark County Records Office at 500 Grand Central Parkway, Las Vegas Nevada, 89155. Once recorded, the judgment becomes a lien upon all real property of the judgment debtor, not exempt from execution, in Clark County that the judgment debtor currently owns or that he acquires before the lien expires. The lien continues for six years (unless the judgment is satisfied), and you can re-record the lien if you renew your judgment. When the property is sold or foreclosed upon, you may receive your money.

BONDS/RECOVERY FUNDS.

Occasionally there may be a bond or recovery fund from which you can collect your judgment.

Manufactured Housing. Consumers victimized by dealers, servicemen, installers, and manufacturers and other persons licensed by the Division of Manufactured Housing may collect from a recovery fund maintained by the Division under NRS 489.4971. If you are unable to collect the judgment go back the court and request the judge to order that the judgment must be paid from the recovery fund. Note: you should first file a complaint with the Manufactured Housing Division at 486- 4135.

Vocational Schools. If your judgment is against a vocational school which is closed, some schools are often required to post a bond or set up a recovery fund. Students should call the State Division of Post Secondary Education at 486-7330. (NRS 394.553 and 394.480).

Contractors. Some licensed contractors may have a bond to make a claim against. Call the Contractors Board at 486-1100 to see if there is a bond posted.

Car dealerships, Body Shops and Emission Shops. These types of businesses are required to post bonds. To make a claim call the Division of Enforcement of the Department of Motor Vehicles at 486-8620. The Division will tell you the name, address and phone number of the bonding company, who will explain the procedures for filing a claim.

Collection agencies, Escrow Companies and Money Order businesses must post bonds. For collection agencies call the State of Nevada Division of Financial Institutions at 486-4120.

Certain other types of entities are required to post bonds. Employers on construction jobs (NRS 338 and 608150), Employment agencies (NRS 611), and Nursing Homes all must post bonds.

WHAT PROPERTY CAN'T A JUDGMENT CREDITOR COLLECT?

There are rules about what a Judgment Creditor can and cannot take from a Judgment Debtor. Property that cannot be taken is called "exempt." Some examples of exempt property include:

- 75% of a Judgment Debtor's wages (or 50 times the federal minimum wages, whichever is greater);
- Judgment Debtor's primary residence, not to exceed \$550,000 equity;
- Necessary household goods not to exceed \$12,000;
- \$2000.00 in a bank account if the money comes from electronic government payments of exempt income;
- \$400.00 in non-exempt income in a bank account;
- One vehicle with equity not to exceed \$15,000;
- Certain payments and benefits such as Social Security, veterans' benefits, unemployment, public benefits, and child support.

A more complete list of exemptions can be found in the Appendix on Page 29.

If exempt property has been taken from a judgment debtor, he has ten business days to file a claim for exemption and request the return of his property. The procedure for claiming exempt property is included in the Notice of Execution. If the Judgment Debtor files a claim for exemption, you should receive a copy of the Affidavit of Exemption in the mail. If you dispute the Judgment Debtor's claimed exemptions, you have five days to file a request for a hearing with the court, at which the validity of the exemptions will be resolved. A form to request a hearing is available at the Self-Help Center or on its website.

HOW CAN I FIND THE INFORMATION I NEED TO COLLECT THE MONEY FROM MY DEBTOR?

If a Judgment Creditor has tried to locate a Judgment Debtor's assets and has been unsuccessful, he can ask the court for an order requiring the Judgment Debtor to appear in court and answer questions under oath about his property. (Page 58)

You ask the court by filing a Motion and Order for Examination of Judgment Debtor form. You should include with your order a list of documents you would like the debtor to bring such as bank account statements, tax returns, paystubs, vehicle titles, and real property records. Once the judge has granted your request, the Judgment Debtor must be served with the order.

Before the examination of the Judgment Debtor, the Judgment Creditor should prepare a list of questions about the Judgment Debtor's assets. Sample questions can include:

- Debtor's full name, maiden name, and any former names
- Date of birth
- Social Security number
- Driver's license number
- Current address and telephone numbers
- Any previous addresses
- Spouse's name, if married
- Employer's name, address, telephone number, and current salary
- Previous employers
- Other sources of income
- Location and title information for all real estate, automobiles, boats, recreational vehicles, and mobile homes.
- Location and type of bank account, money market accounts, safe deposit box, stocks, bonds, securities
- Income tax information.

OTHER CONSIDERATIONS

RENEWING YOUR JUDGMENT

A judgment is valid for 6 years, but can be renewed if it has not been paid in full. The Judgment Creditor must file a Declaration for Renewal of Judgment form within 90 days before the judgment expires. A copy of the filed declaration must be mailed by certified, return receipt requested to the judgment debtor within 3 days of it being filed.

If the judgment was recorded, it may be renewed by recording the declaration at the County Recorder's office within 3 days of filing it with the court.

SATISFACTION OF JUDGMENT

When a Judgment Debtor pays a judgment in full, or satisfies it, the Judgment Creditor must file a Satisfaction of Judgment form (page 67) with the court. It is important for the Judgment Creditor to file a Satisfaction of Judgment for a number of reasons. First, he has an obligation to notify the court that the judgment has been paid in full. Second, an unsatisfied judgment has a negative impact on a judgment debtor's credit report and credit score.

If a Judgment Creditor fails to file a Satisfaction of Judgment, the Judgment Debtor may file a Motion and Order for Satisfaction form. The court will then review the file and determine whether it not it will issue an order deeming the judgment satisfied.

Credit reporting agencies scan public court records for the information that makes up a consumer's credit reports.

Appendix A: Case Checklist

Before You Decide to File

- You can prove your case
- Your claim is \$5000 or less
- You have determined the exact amount of your claim
- You have considered the cost of filing your claim
- The defendant is not judgment proof
- The time for filing has not expired
- You have identified the right defendant
- You know where the defendant is
- You have considered or attempted mediation
- Should you hire an attorney?
- You have sent a demand letter

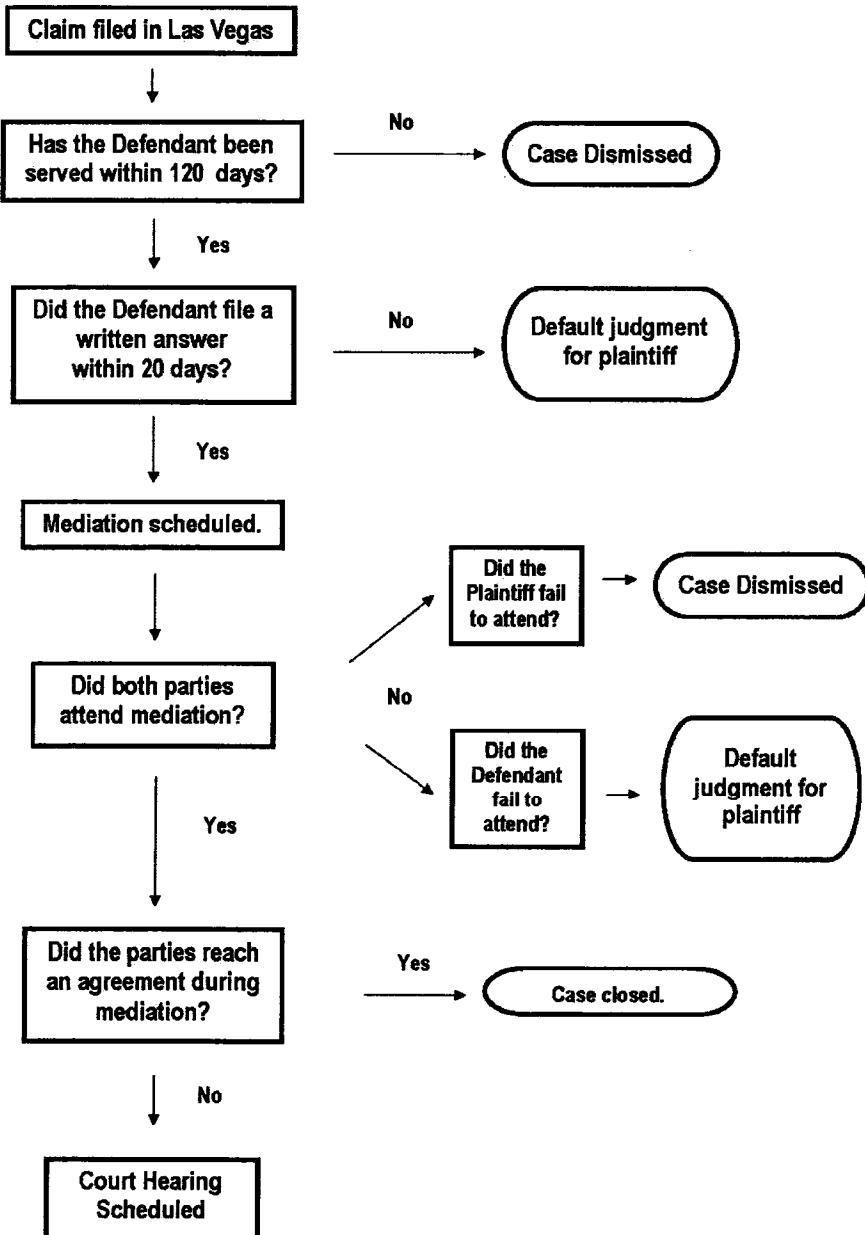
Filing Your Complaint

- You have completed your complaint form
- You have made three copies of the complaint form
- You have the filing fee or you have filled out the fee waiver form (In Forma Pauperis)
- Your complaint has been filed in the township where the defendant currently lives, works or does business
- You have received a case number and a hearing date
- You have served a copy of your complaint to each defendant
- The affidavit of service form has been completed and returned to the court house

Preparing for Your Hearing

- You have interviewed your witnesses
- You have subpoenaed witnesses that may not appear for court voluntarily
- You have filed a subpoena duces tecum to compel witnesses to bring evidence to court they may not bring voluntarily
- You have arranged for a court interpreter if necessary
- You have observed small claims court (recommended)
- You have organized your evidence
- You have made three copies of your evidence
- You have organized and practiced your presentation to the judge

Appendix B: The Claims Process in Las Vegas Small Claims Court



Appendix C: Contact Information & Websites

Justice Courts

http://www.accessclarkcounty.com/depts/clark_county/pages/justicecourt_index.aspx

Justice Court Calendar

<http://redrock.co.clark.nv.us/jcCalendar/CalendarSearch.aspx>

Las Vegas Justice Court

200 Lewis Avenue

Las Vegas, Nevada 89101

(702) 671-3116

<http://www.clarkcountycourts.us/>

Henderson Justice Court

243 Water Street

Henderson, Nevada 89015

(702) 455-7951

http://www.accessclarkcounty.com/depts/justicecourt_hd/Pages/general_information.aspx

North Las Vegas Justice Court

2428 Martin Luther King Blvd.

North Las Vegas, Nevada 89032

(702) 455-7801

http://www.accessclarkcounty.com/depts/justicecourt_nlv/Pages/index.aspx

Justice Court Statutes NRS 73.010-060

<http://www.leg.state.nv.us/NRS/NRS-073.html>

Justice Court Rules of Civil Procedure 88-11

<http://www.leg.state.nv.us/CourtRules/JCRCP.html>

Las Vegas Justice Court Rules of Civil Procedure

http://www.leg.state.nv.us/CourtRules/JCR_LV.html

Neighborhood Justice Center (mediation)

330 South 3rd Street, Suite 600

Las Vegas, Nevada 89101

(702) 455-3898

<http://www.clarkcountycourts.us/lvc/NJC/NJC.htm>

Clark County Clerk (fictitious firm name search)
200 Lewis Avenue, 5th Floor
Las Vegas, Nevada 89101
(702) 671-0500
<http://www.accessclarkcounty.com/depts/clerk/pages/FFN.aspx>

Clark County Assessor
500 South Grand Central Parkway
Las Vegas, Nevada 89155
(702) 455-3882
www.accessclarkcounty.gov

Nevada Secretary of State
101 North Carson Street, Suite 3
Carson City, NV 89701
(775) 684-5708
www.sos.state.nv.us

Nevada Department of Business and Industry (licensing information)
555 East Washington Avenue, Suite 4900
Las Vegas, Nevada 89101
(702) 486-2750
<http://business.nv.gov/>

Clark County (business licensing information)
500 South Grand Central Parkway, 3rd Floor
Las Vegas, Nevada 89106
(702) 455-4252
http://www.accessclarkcounty.com/depts/business_license/Pages/index.aspx

City of Las Vegas (business licensing information)
400 Stewart Avenue, 3rd Floor
Las Vegas, Nevada 89101
(702) 229-6281
<http://www3.lasvegasnevada.gov/Bus-license/>

Clark County Law Library
309 South Third Street, Suite 400
Las Vegas, Nevada 89155
(702) 455-4696
http://www.accessclarkcounty.com/law_library

Constables
http://www.accessclarkcounty.com/DEPTS/CONSTABLE/Pages/constable_index.aspx

Las Vegas Constable
309 S. Third Street
Las Vegas, NV 89155-2110
(702) 455-3404
http://www.accessclarkcounty.com/depts/constable/constable_las_vegas/Pages/index.aspx

Henderson Constable
243 Water Street
Henderson, NV 89015
(702) 455-7940
http://www.accessclarkcounty.com/depts/constable/constable_henderson/Pages/index.aspx

North Las Vegas Constable
2428 N. Martin Luther King Blvd.
North Las Vegas, NV 89032
(702) 455-7800
http://www.accessclarkcounty.com/depts/constable/Constable_North_Las_Vegas/Pages/index.aspx

Nevada Department of Motor Vehicles
Central Services Record Division
555 Wright Way
Carson City, Nevada 89711
(775) 684-4590
<http://nevadadmv.state.nv.us/pdfforms/ir002.pdf>

Clark County Recorder
500 S. Grand Central Parkway, 2nd Floor
Las Vegas, Nevada 89106
(702) 455-4336
<http://www.accessclarkcounty.com/depts/recorder/Pages/default.aspx>

APPENDIX D: NEVADA PROPERTY EXEMPTIONS

Nevada Revised Statute 21.090

<http://www.leg.state.nv.us/NRS/NRS-021.html#NRS021Sec090>

NRS 21.090 Property exempt from execution.

1. The following property is exempt from execution, except as otherwise specifically provided in this section or required by federal law:

(a) Private libraries, works of art, musical instruments and jewelry not to exceed \$5,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor, and all family pictures and keepsakes.

(b) Necessary household goods, furnishings, electronics, wearing apparel, other personal effects and yard equipment, not to exceed \$12,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor.

(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not to exceed \$4,500 in value, belonging to the judgment debtor to be selected by him.

(d) Professional libraries, equipment, supplies, and the tools, inventory, instruments and materials used to carry on the trade or business of the judgment debtor for the support of himself and his family not to exceed \$10,000 in value.

(e) The cabin or dwelling of a miner or prospector, his cars, implements and appliances necessary for carrying on any mining operations and his mining claim actually worked by him, not exceeding \$4,500 in total value.

(f) Except as otherwise provided in paragraph (p), one vehicle if the judgment debtor's equity does not exceed \$15,000 or the creditor is paid an amount equal to any excess above that equity.

(g) For any workweek, 75 percent of the disposable earnings of a judgment debtor during that week, or 50 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable, whichever is greater. Except as otherwise provided in paragraphs (o), (s) and (t), the exemption provided in this paragraph does not apply in the case of any order of a court of competent jurisdiction for the support of any person, any order of a court of bankruptcy or of any debt due for any state or federal tax. As used in this paragraph:

(1) "Disposable earnings" means that part of the earnings of a judgment debtor remaining after the deduction from those earnings of any amounts required by law to be withheld.

(2) "Earnings" means compensation paid or payable for personal services performed by a judgment debtor in the regular course of business, including, without limitation, compensation designated as income, wages, tips, a salary, a commission or a bonus. The term includes compensation received by a judgment debtor that is in the possession of the judgment debtor, compensation held in accounts maintained in a bank or any other financial institution or, in the case of a receivable, compensation that is due the judgment debtor.

(h) All fire engines, hooks and ladders, with the carts, trucks and carriages, hose, buckets, implements and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this State.

(i) All arms, uniforms and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.

(j) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this State, all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by the town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State and all lots, buildings and other school property owned by a school district and devoted to public school purposes.

(k) All money, benefits, privileges or immunities accruing or in any manner growing out of any life insurance, if the annual premium paid does not exceed \$15,000. If the premium exceeds that amount, a similar exemption exists which bears the same proportion to the money, benefits, privileges and immunities so accruing or growing out of the insurance that the \$15,000 bears to the whole annual premium paid.

(l) The homestead as provided for by law, including a homestead for which allodial title has been established and not relinquished and for which a waiver executed pursuant to NRS 115.010 is not applicable.

(m) The dwelling of the judgment debtor occupied as a home for himself and family, where the amount of equity held by the judgment debtor in the home does not exceed \$550,000 in value and the dwelling is situated upon lands not owned by him.

(n) All money reasonably deposited with a landlord by the judgment debtor to secure an agreement to rent or lease a dwelling that is used by the judgment debtor as his primary residence, except that such money is not exempt with respect to a landlord or his successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

(o) All property in this State of the judgment debtor where the judgment is in favor of any state for failure to pay that state's income tax on benefits received from a pension or other retirement plan.

(p) Any vehicle owned by the judgment debtor for use by him or his dependent that is equipped or modified to provide mobility for a person with a permanent disability.

(q) Any prosthesis or equipment prescribed by a physician or dentist for the judgment debtor or a dependent of the debtor.

(r) Money, not to exceed \$500,000 in present value, held in:

(1) An individual retirement arrangement which conforms with the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A;

(2) A written simplified employee pension plan which conforms with the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408;

(3) A cash or deferred arrangement which is a qualified plan pursuant to the Internal Revenue Code;

(4) A trust forming part of a stock bonus, pension or profit-sharing plan which is a qualified plan pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(5) A trust forming part of a qualified tuition program pursuant to chapter 353B of NRS, any applicable regulations adopted pursuant to chapter 353B of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

(s) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

(t) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

(u) Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

(v) Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(w) Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(x) Payments received as restitution for a criminal act.

(y) Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

(z) Any personal property not otherwise exempt from execution pursuant to this subsection belonging to the judgment debtor, including, without limitation, the judgment debtor's equity in any property, money, stocks, bonds or other funds on deposit with a financial institution, not to exceed \$1,000 in total value, to be selected by the judgment debtor.

(aa) Any tax refund received by the judgment debtor that is derived from the earned income credit described in section 32 of the Internal Revenue Code, 26 U.S.C. § 32, or a similar credit provided pursuant to a state law.

(bb) Stock of a corporation described in subsection 2 of NRS 78.746 except as set forth in that section.

2. Except as otherwise provided in NRS 115.010, no article or species of property mentioned in this section is exempt from execution issued upon a judgment to recover for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

3. Any exemptions specified in subsection (d) of section 522 of the Bankruptcy Act of 1978, 11 U.S.C. § 522(d), do not apply to property owned by a resident of this State unless conferred also by subsection 1, as limited by subsection 2.

[1911 CPA § 346; A 1921, 22; 1941, 32; 1931 NCL § 8844]—(NRS A 1969, 841; 1971, 1498; 1973, 23; 1975, 215; 1977, 650; 1979, 985, 1637; 1981, 626; 1983, 99, 665; 1987, 1206; 1989, 4, 176, 645; 1991, 812, 1414; 1993, 2629; 1995, 229; 1997, 267, 3414; 2003, 1012, 1814; 2005, 385, 974, 1015, 2230; 2007, 2710, 3018)

Money in a Trust Fund for Funeral or Burial Services: NRS 689.700

<http://www.leg.state.nv.us/NRS/NRS-689.html>

Industrial Insurance Compensation: NRS 616C.205

<http://www.leg.state.nv.us/NRS/NRS-616C.html>

Public Employees' Retirement Benefits: NRS 286.670

<http://www.leg.state.nv.us/NRS/NRS-286.html>

Unemployment Compensation Benefits: NRS 612.710

<http://www.leg.state.nv.us/NRS/NRS-612.html>

Vocational Rehabilitation Maintenance: NRS 615.270

<http://www.leg.state.nv.us/NRS/NRS-615.html>

Welfare Assistance: NRS 422.291 and 432.036

<http://www.leg.state.nv.us/NRS/NRS-422.html>

Additionally for Medical Bills, generally the primary dwelling is exempt: NRS 21.095

<http://www.leg.state.nv.us/NRS/NRS-021.html>

Other exemptions provided for under federal law may apply.

Community Resources

Bankruptcy Court
Foley Federal Building
300 Las Vegas Blvd., South
www.nvb.uscourts.gov
527-7000

Center for Individual, Couple and Family Counseling (UNLV)
McDermott Physical Education complex (MPE),
Bldg A, 2nd Fl
4505 Maryland Pkwy, Box 453049
urbanaffairs.unlv.edu/client_services
895-3106

Clark County Bar Association
725 South Eighth Street
www.clarkcountybar.org
387-6011

Clark County Civil Sheriff
330 S. Casino Center Blvd., 1st Fl.
www.clarkcountynv.gov/depts/sheriff_civil
671-5822

Clark County Constable (Las Vegas Township)
302 E. Carson, 5th Floor
www.clarkcountynv.gov/depts/constable
455-3404

Clark County Dept. of Family Services
121 S. Martin Luther King Blvd.
www.clarkcountynv.gov/depts/family_services
455-7200 (central office)

Clark County District Attorney
Family Support Division
1900 E. Flamingo Road, Ste. 100
www.clarkcountynv.gov/depts/district_attorney/fs
671-9200

Clark County Law Library
309 South Third, 4th Floor (at Bridger)
www.accessclarkcounty.com/law_library
455-4696

Clark County Neighborhood Justice Center
330 S. 3rd Street, Suite 600
www.clarkcountycourts.us/lvjc/NJC/NJC
455-3898

Clark County Public Guardian's Office
515 Shadow Lane
www.clarkcountynv.gov/depts/public_guardian
455-4332

Clark County Recorder's Office
500 South Grand Central Pkwy, 2nd Floor
www.clarkcountynv.gov/depts/recorder
455-4336

Clark County School District
5100 W. Sahara Avenue
www.ccsd.net
799-5000

Clark County Social Services, main office
1600 Pinto Lane
www.clarkcountynv.gov/depts/social_service
455-4270

Child Care and Development Fund, Child Care Program
628 Belrose Street
dwss.nv.gov
486-1432

Family Courthouse
601 North Pecos Road
www.clarkcountycourts.us/ejdc/courts-and-judges/family
455-2385

Family Court Self-Help Center
601 North Pecos Road
www.clarkcountycourts.us/shc
455-1500

Family Mediation Program
Family Courthouse
601 North Pecos Road, Ste. ADG -450
www.clarkcountycourts.us/ejdc/programs-and-services
455-4186

Family Violence Intervention Program
(Protective Order Office) Family Courthouse
601 North Pecos Road, Ste. ADG-450
www.clarkcountycourts.us/ejdc/programs-and-services
455-3400

Financial Guidance Center
2650 South Jones Blvd.
www.cccsnevada.org
364-0344

HELP of Southern Nevada 1640 E. Flamingo Road #100 www.helpsonv.org 369-4357	Safe Nest (Shelter and Crisis Hotline Counseling) www.safenest.org 646-4981 877-0133
Latin Chamber of Commerce 300 N. 13 th Street www.lvlcc.com 385-7367	Salvation Army (Day Resource Center - Shelter for Men) West Owens www.salvationarmysouthernnevada.org 639-0277
Las Vegas Rescue Mission (Shelter for men, women, children) 480 W. Bonanza (between D and F Streets) www.vegasrescue.org 382-1766	Southern Nevada Senior Law Program www.snslp.org 229-6596
Legal Aid Center of Southern Nevada 725 E. Charleston Blvd. www.lacsn.org 386-1070	Shade Tree (Women/children shelter) 1 West Owens (at Main) www.theshadetree.org 385-0072
National Guardianship Association 174 Crestview Drive Bellefonte PA 16823 www.guardianship.org (877) 326-5992	Southern Nevada Adult Mental Health Services 6161 W. Charleston Blvd. mhds.nv.gov 486-6000
Nevada Legal Services 530 South Sixth Street www.nlslaw.net 386-0404	Southern Nevada Health District Immunization Project www.southernnevadahealthdistrict.org/immunizations 759-0850
Nevada State Welfare (welfare, needy and non-needy caretaker benefits and food stamps, Medicaid) dwss.nv.gov 486-5000 (Henderson) or 486-9400 (Flamingo)	State Bar of Nevada's Lawyer Referral Service 600 East Charleston Blvd. www.nvbar.org 382-0504
PEP (Parents Encouraging Parents) 2101 S. Jones Blvd., Ste. 120 www.nvpep.org 388-8899	William S. Boyd School of Law Library (at UNLV) 4505 S. Maryland Pkwy. www.law.unlv.edu/Library 895-2400
Safe House Inc. (Shelter for women/children) www.safehousenv.org 451-4203 (Main) or 564-3227 (24 hour)	YMCA Parent Education Classes 4141 Meadows Lane www.lasvegasymca.org 877-9622

Nevada Law Websites:

Clark County Law Library www.accessclarkcounty.com/law_library	Nevada Index www.nevadaindex.com
Clark County Records Inquiry www.clarkcountycourts.us/anonymous/default.aspx	Nevada Law Library www.leg.state.nv.us/law1.cfm
Constitution: Nevada State www.leg.state.nv.us/Const/NVConst.html	Nevada Supreme Court www.nevadajudiciary.us
Legislative Session Information www.leg.state.nv.us/session	William S. Boyd School of Law library www.law.unlv.edu

Small Claims Court Glossary

Appeal: To seek review (from a lower court's decision) from a higher court.

Bond: An amount of money required to insure payment of a debt if certain circumstances occur (such as an appeal to a higher court) or a certain time lapses.

Breach of Contract: Violation of a contractual obligation by failing to perform one's own promise, by repudiating it, or by interfering with another party's performance.

Brief: A written statement setting out the legal contentions of a party in litigation, especially on appeal; consists of legal and factual arguments and the supporting authorities.

Complaint: The initial pleading that starts a civil action and states the basis for the court's jurisdiction, the basis for the plaintiff's claim and the demand for relief.

Counter Claim: A claim for relief asserted against an opposing party after an original claim has been made; especially a defendant's claim in opposition to or countering the plaintiff's claim.

Examination of Judgment Debtor: An order that requires the judgment debtor to appear in court, answer questions under oath and provide evidence about their property.

Injunction: A court order commanding or preventing an action.

Judgment Creditor: A person having a legal right to enforce execution of a judgment for a specific sum of money.

Judgment Debtor: A person against whom a money judgment has been entered but not yet satisfied.

Lien: A legal right or interest that a creditor has in another's property which usually lasts until the debt or duty that is secured is satisfied.

Mediation: A method of non-binding dispute resolution involving a neutral third party who tries to help the disputing parties reach a mutually agreeable solution.

Questions of Fact: A factual issue that has not been predetermined and authoritatively answered by the law and does not involve what the law is on a given point.

Questions of Law: An issue to be decided by the judge, concerning the application or interpretation of the law or an issue about what the law is on a particular point.

Resident Agent: A person authorized to accept service of process for another entity, especially a corporation in a particular jurisdiction.

Service of Process: The formal delivery of a writ, summons, or other legal process.

Subpoena: A writ or order commanding a person to appear before a court or other tribunal, subject to a penalty for failing to comply.

Subpoena Duces Tecum: A subpoena ordering the witness to appear in court and to bring specified documents, records or things.

Summons: A writ or process commencing the plaintiff's action and requiring a person to appear in court and answer questions.

Writ of Execution: A court ordered writ authorizing an executive officer to carry a judgment into effect.

Writ of Garnishment: A court ordered writ authorizing an executive officer to seize a judgment debtor's property (usually wages or bank account) for the purpose of paying a debt.

Small Claims Forms

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**JUSTICE COURT, LAS VEGAS TOWNSHIP
Clark County, Nevada**

Name and Address of Plaintiff(s)

(Plaintiff's(s') Telephone Number)

VERSUS

Name and Address of Defendant(s)

(Defendant's(s') Telephone Number)

STATE OF NEVADA)
COUNTY OF CLARK)

I, _____, STATE THAT Defendant(s) owes Plaintiff(s) the _____
for _____

that a letter demanding payment has been sent; that Defendant(s) _____ pay; and that Defendant(s) either currently resides, works or does business in the Las Vegas Township, County of Clark, State of Nevada.

I am requesting a court-appointed interpreter because:

I have a communications disability (deaf/blind/etc.)

I am not fluent in English and I need an interpreter for the following language: _____

* * * * *

(Plaintiff's Signature): _____ Date: _____

SUBSCRIBED AND SWEARN to before me this _____

____ day of _____, 20 _____

R: UNSWORN DECLARATION: Per NRS 53.045

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

(Date): _____

(Signature): _____

(Typed or printed name): _____

The Plaintiff(s) must file three (3) documents: (*Small Claims Complaint, Instructions to Plaintiff or Defendant, and Small Claims Answer*), on each calendar day.

To the above named DEFENDANT(S):

A SMALL CLAIMS ACTION HAS BEEN COMMENCED AGAINST YOU!

YOU ARE DIRECTED TO E-FILE (electronically file), with the Las Vegas Justice Court Clerk's Office, AN ANSWER WITHIN TWENTY (20) CALENDAR DAYS from the date of service of the Complaint. Use the attached ANSWER form. You must mail a copy of your Answer to Plaintiff(s) immediately after E-Filing your Answer with the Las Vegas Justice Court. Your failure to Answer (respond to) the Complaint within 20 calendar days may result in the Plaintiff(s) filing a Motion for Default Judgment against you. This means the Referee or Judge may grant a Judgment for the Plaintiff(s) based on the claims/allegations in the Complaint and without considering your possible defense(s) or explanation(s).

Original-File Copy-Plaintiff Copy-Defendant

LVJCVL Form -15 Revised 11/11

INSTRUCTIONS TO PLAINTIFF OR DEFENDANT

Read Carefully

1. Before filing a Small Claims Complaint, the PLAINTIFF must do the following:

- Send a demand letter, with return receipt requested, to the DEFENDANT. The demand letter must instruct the DEFENDANT to pay the amount due within 10 days of the date that the letter is sent, or the PLAINTIFF will file a Small Claims case against the DEFENDANT.
- Wait at least 10 days from the date the demand letter is sent before filing a Small Claims case against the DEFENDANT.
- Include a copy of the demand letter along with the signed return receipt (as proof of mailing) with the Small Claims Complaint when the Small Claims case is filed against the DEFENDANT.

If the PLAINTIFF does not follow the steps above, including filing a copy of the demand letter and proof of mailing, or waiting 10 days from the date the demand letter is sent before filing a Small Claims case, the Referee or Judge may dismiss the Small Claims case and/or impose another sanction.

2. The PLAINTIFF must file a Small Claims action in the township where the DEFENDANT currently resides, works, or does business.

3. The PLAINTIFF cannot sue in Small Claims court for more than \$7,500.00, excluding interest and costs. Payment by the losing party of the attorney's fees of the winning party is not allowed except in cases involving shoplifting.

4. The PLAINTIFF must show the complete name and address of the DEFENDANT in the caption. If there are two DEFENDANTS and they reside at different addresses, the PLAINTIFF must include both addresses.

5. The PLAINTIFF may serve the DEFENDANT by licensed private process server, a responsible third party, or the Constable. The PLAINTIFF, himself or herself, may not serve the Small Claims Complaint on the DEFENDANT. The fully completed Affidavit of Service must be filed immediately after the Complaint is served.

6. If a Small Claims Complaint is not served within one year after it is filed, the Referee or Clerk may dismiss the case without prejudice (which means the case may be refiled within the statute of limitations for such cases, but a new filing fee would be required).

7. The PLAINTIFF must pay all costs at the time of filing this Complaint. If a Plaintiff cannot afford the costs, he or she may apply for a fee waiver.

8. The DEFENDANT may electronically file the Answer, no later than 20 calendar days from the date of service of the

Complaint, making any defense to the claim. The Defendant may electronically file the Answer, (\$3.50 charge using credit or debit card) at: <http://wiznet.wiznet.com/clarknv>, or the Defendant may come to the Court and electronically file, for free, the original copy of the Answer. A copy of this Answer must be mailed by U.S. Mail, first class postage, to PLAINTIFF immediately after filing the Answer with the Las Vegas Justice Court.

9. If an Answer is filed, the Court will schedule the case for mandatory mediation. The Court will notify the parties of the date, time, and location by mail. All parties not otherwise exempted from mediation must appear for mandatory mediation. If the DEFENDANT fails to appear, a mediation judgment may be entered against the DEFENDANT.

10. Standard forms are supplied in order to expedite the handling of Small Claims cases. The forms are designed to cover the most common claims but are not specifically designed for any individual case.

11. If DEFENDANT believes the case should be dismissed, DEFENDANT may petition the Court to dismiss the case and must explain the reasons for the request. A Motion to Dismiss form is available for use. It is designed to cover the most common reasons for dismissal but is not specifically designed for any individual case.

12. Hearings in Small Claims cases are informal and are designed to promote fair and speedy justice. The PLAINTIFF and DEFENDANT may offer evidence, including witnesses, to support their arguments.

13. If English is not your first language and you would like someone to interpret for you during your court appearance, you are encouraged to use a volunteer language interpreter. You may ask a friend, relative, or coworker to come to court to interpret for you. Bringing your own interpreter with you is both effective and efficient and will allow you to better understand the proceedings.

14. If a court-appointed interpreter is needed for a party who does not speak English, or for a party with a communications disability, that party must file a written motion to request an interpreter, and the compensation for that interpreter shall be paid as provided by law.

15. The Las Vegas Justice Court Clerks can neither give legal advice nor assist in completing Court forms. The staff of the Self-Help Center, located on the 1st floor of the Regional Justice Center, can assist in providing information and forms for people who are representing themselves in Court. If you need more detailed assistance, you should consult an attorney.

Original-File

Copy-Plaintiff(s)

Copy-Defendant(s)

<p>JUSTICE COURT, TOWNSHIP OF <i>(insert township name)</i> , Clark County, Nevada</p> <p>Name of Plaintiff(s):</p> <p style="text-align: center;">VERSUS</p> <p>Name of Defendant(s):</p>	<p>Case No. _____</p> <p>Department No. _____</p> <p style="text-align: center;">AFFIDAVIT OF SERVICE</p>
<p><i>(Insert name of person performing service)</i> _____ being duly sworn or under penalty of perjury, states that at all times relevant, I was over 18 years of age and not a party to the interests in the above-captioned case; that I received a copy of the <i>(insert name of documents you served)</i> _____</p> <p>ON <i>(insert date you received documents)</i> _____, 20____; and that I served the same on Defendant <i>(insert Defendant's name)</i> _____ on <i>(insert date and time you served documents)</i> _____, 20____, at the hour of _____ M., by <i>(complete appropriate paragraph below)</i>:</p> <p>1. For personal service per JCRC 4(d)(6): Delivering and leaving a copy with Defendant at <i>(insert address at which you served)</i> _____.</p> <p>2. For substitute service per JCRC 4(d)(6) (other than Personal Protection): Delivering and leaving a copy with <i>(insert name or physical description of person served)</i> _____, a person of suitable age and discretion residing at Defendant's usual place of abode, at <i>(insert Defendant's address)</i> _____.</p> <p>3. For service by registered or certified mail per JCRC 91(1)(b)(ii) (if allowed): Depositing a copy in a mailbox of the United States Post Office, enclosed in a sealed envelope, postage paid, certified or registered mail, return receipt requested, addressed to Defendant at <i>(insert Defendant's address)</i> _____. <i>(A copy of the signed return receipt must be attached.)</i></p> <p>4. For service on a business entity per JCRC 4(d)(6)(2): Delivering and leaving a copy with <i>(insert name or physical description of person served)</i> _____, who is Defendant's <i>(check one) <input type="checkbox"/> president or other head</i> _____, <i><input type="checkbox"/> secretary</i> _____, <i><input type="checkbox"/> cashier</i> _____, <i><input type="checkbox"/> managing agent</i> _____, <i><input type="checkbox"/> resident agent</i> _____, or <i><input type="checkbox"/> other (specify)</i> _____, at <i>(insert address at which you served)</i> _____.</p>	
<p>Date: _____ Signature: _____</p> <p><input type="checkbox"/> Residential/ <input type="checkbox"/> Business: _____ Phone: _____</p> <p>You MUST check one of the boxes AND have this affidavit notarized <i>(bottom left)</i> or sign the unsworn declaration per NRS 53.045 <i>(bottom right)</i>.</p> <p><input type="checkbox"/> I am a licensed process server or employee of a licensed process server; my license or registration number is <i>(insert license or registration number)</i>: _____.</p> <p><input type="checkbox"/> I am not required to be licensed under chapter 648 of the Nevada Revised Statutes or another provision of law because I am not engaged in the business of serving legal process within the State of Nevada.</p>	
<p>SUBSCRIBED AND SWORN to before me this ____ day of _____, 20____.</p> <p>NOTARY PUBLIC in and for the County of _____, State of _____.</p>	
<p>"I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct."</p> <p>(Signature): _____</p> <p>(Date): _____</p>	

JUSTICE COURT, LAS VEGAS TOWNSHIP Clark County, Nevada		Case No. _____				
Name of Plaintiff(s)		Department No. _____				
(Plaintiff's(s') Telephone Number)		VERSUS				
Name of Defendant(s)		SMALL CLAIMS ANSWER				
(Defendant's(s') Telephone Number)						
<p>There is no statutory filing fee for filling a Small Claims Answer. Each Defendant must file his or her own Answer and must pay any applicable E-Filing fee imposed by the Court.</p> <p style="text-align: center;">PLEASE TYPE OR PRINT LEGIBLY.</p> <p>Defendant's Answer to the Small Claims Complaint:</p> <p>1. Are you currently a resident of the Las Vegas Township? <input type="checkbox"/> Yes <input type="checkbox"/> No 2. Do you currently do business in the Las Vegas Township? <input type="checkbox"/> Yes <input type="checkbox"/> No 3. Are you currently employed within the Las Vegas Township? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Please check the applicable box below.</p> <p><input type="checkbox"/> I agree that I owe the amount of money claimed by the Plaintiff. <input type="checkbox"/> I do not agree that I owe the amount of money claimed by the Plaintiff, for the following reasons: _____ _____ _____</p> <p>Answering Defendant's Address: _____ Phone Number: _____</p> <p><input type="checkbox"/> Check here if you need more space. Add additional sheet(s) of paper and attach to this form with "SMALL CLAIMS ANSWER" on top.</p> <p>TO DEFENDANT: Your original Answer must be filed with the Las Vegas Justice Court Clerk's Office and a copy provided to the Plaintiff(s) within 20 calendar days of service of the Complaint. Your failure to answer (respond to) the Complaint within 20 calendar days from service of the Complaint, may result in the Plaintiff filling a Motion for Default Judgment against you. This means the Referee or Judge will enter a judgment for the Plaintiff based on the claims/allegations in the Complaint without considering your possible defense(s) or explanation(s).</p> <p>You may electronically file your Answer, (\$3.50 charge) at http://www.wiznet.com/clarknv, or you may come to the Court and electronically file, for free, the original copy of your Answer at either:</p> <p style="text-align: center;">Self-Help Center Regional Justice Center 200 Lewis Avenue, Las Vegas, NV 89155-2511</p> <p style="text-align: right;">Justice Court Clerks' Office, Las Vegas Township Regional Justice Center, 2nd Floor 200 Lewis Avenue, Las Vegas, NV 89155-2511</p> <p>Please check the applicable box below:</p> <p><input type="checkbox"/> In conjunction with the filing of this Answer, I am mailing a copy of the Answer to the Plaintiff(s) at the following address: _____</p> <p><input type="checkbox"/> In conjunction with the filing of this Answer, I am serving a copy of the Answer on the Plaintiff(s) using E-File.</p> <p>(Defendant's Signature): _____ (Date): _____</p> <p>Both the Plaintiff(s) and Defendant(s) will be notified by mail of the date and time that the Court has scheduled this case for mandatory Mediation, unless the case is excluded from Mediation.</p> <p>You MUST have this affidavit notarized (block on the left) or sign the unsworn declaration per NRS 53.045 (block on the right):</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> SUBSCRIBED AND SWORN to before me this ____ day of _____, 20____. </td> <td style="width: 50%; padding: 5px;"> OR UNSWORN DECLARATION: Per NRS 53.045 "I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct." </td> </tr> <tr> <td style="padding: 5px;"> NOTARY PUBLIC in and for the County of _____, State of _____. </td> <td style="padding: 5px;"> (Signature): _____ (Date): _____ </td> </tr> </table>			SUBSCRIBED AND SWORN to before me this ____ day of _____, 20____.	OR UNSWORN DECLARATION: Per NRS 53.045 "I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct."	NOTARY PUBLIC in and for the County of _____, State of _____.	(Signature): _____ (Date): _____
SUBSCRIBED AND SWORN to before me this ____ day of _____, 20____.	OR UNSWORN DECLARATION: Per NRS 53.045 "I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct."					
NOTARY PUBLIC in and for the County of _____, State of _____.	(Signature): _____ (Date): _____					

JUSTICE COURT, LAS VEGAS TOWNSHIP
Clark County, Nevada

Name and Address of Defendant(s)/Counterclaimant(s)

(Plaintiff's(s') Telephone Number)

VERSUS

Name and Address of Plaintiff(s)/Counterdefendant(s)

(Defendant's(s') Telephone Number)

STATE OF NEVADA)
COUNTY OF CLARK)

I, _____ STATE THAT Plaintiff(s)/Counterdefendant(s) owes
Defendant(s)/Counterclaimant(s) the sum of \$ _____

and that Plaintiff(s)/Counterdefendant(s) either currently resides, works or does business in the Las Vegas Township, County of Clark, State of Nevada.

[] I am requesting a court-appointed interpreter because:

[] I have a communications disability (deaf/blind)

[] I am not fluent in English and I need an interpreter in the following language: _____

* * * * *

(Defendant's(s')/Counterclaimant's(s') Signature): _____

(Date): _____

SUBSCRIBED AND SWEAR to before me this

day of _____, 20 _____. _____

NOTARY PUBLIC in and for the

County of _____, State of _____

OR: UNSWORN DECLARATION: Per NRS 53.045

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

(Date): _____

(Signature): _____

The Defendant(s) will serve the three (3) documents: (Counterclaim-Small Claims, Instructions to Plaintiff/Counterclaimant, and Counterclaim, and Small Claims Counterclaim Reply), on each Plaintiff.

To the above-named PLAINTIFF(S) / DEFENDANT(S) / COUNTERDEFENDANT(S):

A Small Claims Counterclaim Action Has Been Commenced Against You!

YOU ARE DIRECTED TO E-FILE (electronically file), with the Las Vegas Justice Court Clerk's Office, A REPLY WITHIN TWENTY (20) CALENDAR DAYS from the date of service of the Counterclaim. Use the attached REPLY form. You must mail a copy of your Reply to Defendant(s)/ Counterclaimant(s) immediately after E-Filing your Reply with the Las Vegas Justice Court. Your failure to Reply (respond to) the Counterclaim within 20 calendar days may result in the Defendant(s)/Counterclaimant(s) filing a Motion for Default Judgment against you. This means the Referee or Judge may grant a Judgment for the Defendant(s)/Counterclaimant(s) based on the claims/allegations in the Counterclaim and without considering your possible defense(s) or explanation(s).

Original-File Copy-Defendant(s)/Counterclaimant(s) Copy-Plaintiff(s)/Counterdefendant(s)

LVJCVL Form -76 Revised 9/11

INSTRUCTIONS TO DEFENDANT(S)/COUNTERCLAIMANT(S) OR PLAINTIFF(S)/COUNTERDEFENDANT(S) -- *Read Carefully*

1. The Defendant/Counterclaimant must file a Small Claims action in the township where the Plaintiff/Counterdefendant currently resides, works, or does business.
2. The Defendant/Counterclaimant cannot sue in Small Claims court for more than \$7,500.00, excluding interest and costs. Payment by the losing party of the attorney's fees of the winning party is not allowed except in cases involving shoplifting.
3. The Defendant/Counterclaimant must show the complete name and address of the Plaintiff/Counterdefendant in the caption (*Name and Address of Plaintiff(s)/Counterdefendant(s)*) to ensure service on the Plaintiff/Counterdefendant. If there are two Plaintiff(s)/Counterdefendant(s) and they reside at different addresses, the Defendant/Counterclaimant must include both addresses.
4. The Defendant/Counterclaimant may serve the Plaintiff/Counterdefendant by licensed private process server, a disinterested third party, or the Constable. A Defendant/Counterclaimant, himself or herself, may not serve the Small Claims Counterclaim on the Plaintiff/Counterdefendant. The fully completed Affidavit of Service Form must be filed immediately after the Counterclaim is served.
5. If a Small Claims Counterclaim is not served for one year after it is filed, the Judge or Clerk may dismiss the Counterclaim without prejudice (this means the Counterclaim may be refiled within the statute of limitations for such Counterclaims, but a new filing fee would be required).
6. The PLAINTIFF/COUNTERDEFENDANT must file a written Reply, no later than 20 calendar days from the date of service of the Counterclaim, making any defense to the Counterclaim. Plaintiff/Counterdefendant may electronically file a Reply (\$3.50 charge using credit or debit card) at: <http://wiznet.wiznet.com/clarknv>, or Plaintiff/Counterdefendant may come to the Court and electronically file, for free, the original copy of the Reply. A copy of the Reply must be mailed by U.S. Mail, first-class postage, to the Plaintiff/Counterclaimant immediately after E-Filing the Reply to the Las Vegas Justice Court.
7. Even if a Reply is filed, the Court will schedule the Counterclaim for mandatory mediation and to identify all parties of the date, time, and location by mail.
8. All parties, not otherwise exempted from mediation, must appear for the mandatory mediation. If the Plaintiff/Counterdefendant fails to appear, a judgment may be entered against the Plaintiff/Counterdefendant.
9. Standard forms are supplied in order to expedite the handling of Small Claims. Forms are designed to cover the most common claims. They are not specifically designed for any individual Counterclaim.
10. If Plaintiff/Counterdefendant believes the Counterclaim should be dismissed, Plaintiff/Counterdefendant may petition the Court to dismiss the Counterclaim and must explain the reasons for the request. A petition to dismiss form is available for use. It is designed to cover the most common reasons for dismissal but is not specifically designed for any individual Counterclaim.
11. Petitions in Small Claims Counterclaims are informal and are designed to promote fair and speedy justice. The Defendant/Counterclaimant and Plaintiff/Counterclaimant may present evidence, including witnesses, to support their arguments.
12. If English is not your first language and you would like someone to interpret for you during your court appearance, you are encouraged to use a volunteer language interpreter. You may ask a friend, relative, or coworker to come to court to interpret for you. Bringing your own interpreter with you is both effective and efficient and will allow you to better understand the proceedings.
13. If a court-appointed interpreter is needed for a party who does not speak English, or for a party with a communications disability, that party must file a written motion to request an interpreter, and the compensation for that interpreter shall be paid as provided by law.
14. The Las Vegas Justice Court Clerks can neither give legal advice nor assist in completing Court forms. The staff of the Self-Help Center, located on the 1st floor of the Regional Justice Center, can assist in providing information and forms for people who are representing themselves in Court. If you need more detailed assistance, you should consult an attorney.

Original-File Copy-Defendant(s)/Counterclaimant(s)

Copy-Plaintiff(s)/Counterdefendant(s)

JUSTICE COURT, LAS VEGAS TOWNSHIP Clark County, Nevada		Case No. _____ Department No. _____		
Name of Defendant(s)/Counterclaimant(s) Defendant(s)/Counterclaimant(s) Telephone Number VERSUS Name of Plaintiff(s)/Counterdefendant(s) Plaintiff(s)/Counterdefendant(s) Telephone Number				
SMALL CLAIMS COUNTERCLAIM REPLY				
<p>There is no statutory filing fee for filling a Small Claims Counterclaim Reply. Each Plaintiff/Counterdefendant(s) must file his or her own Reply and must pay any applicable E-filing fee imposed by the Court.</p> <p style="text-align: center;">PLEASE TYPE OR PRINT LEGIBLY.</p> <p>Plaintiff's(s')/Counterdefendant's(s') Reply to the Counterclaim:</p> <p class="list-item-l1">1. Are you currently a resident of the Las Vegas Township? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p class="list-item-l1">2. Do you currently do business in the Las Vegas Township? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p class="list-item-l1">3. Are you currently employed within the Las Vegas Township? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Please check the applicable box below.</p> <p><input type="checkbox"/> I agree that I owe the amount of money claimed by the Defendant(s)/Counterclaimant(s).</p> <p><input type="checkbox"/> I do not agree that I owe the amount of money claimed by the Defendant(s)/Counterclaimant(s), for the following reasons: _____</p> <p><input type="checkbox"/> Check here if you need more space. Add additional sheet(s) of paper and attach to this form with "SMALL CLAIMS COUNTERCLAIM REPLY" on top.</p> <p>TO PLAINTIFF/COUNTERDEFENDANT: Your original Reply must be filed with the Las Vegas Justice Court Clerk's Office and a copy provided to the Defendant(s)/Counterclaimant(s) within 20 calendar days of service of the Counterclaim. Your failure to Reply (respond to) the Counterclaim within 20 calendar days from service of the Counterclaim, may result in the Defendant(s)/Counterclaimant(s) filing a Motion for Default Judgment against you. This means the Referee or Judge may grant a Judgment for the Defendant(s)/Counterclaimant(s) based on the claims/allegations in the Counterclaim without considering your possible defense(s) or explanation(s).</p> <p>You may <u>electronically file your Reply</u>, (\$3.50 charge) at: http://wiznet.wiznet.com/clarknv, or you may come to the Court and electronically file, for free, the original copy of your Reply, either:</p> <p style="margin-left: 40px;">Self-Help Center Regional Justice Center 200 Lewis Avenue Las Vegas, NV 89155</p> <p style="margin-left: 40px;">Justice Court Clerks' Office, Las Vegas Township Regional Justice Center, 2nd Floor 200 Lewis Avenue Las Vegas, NV 89155-2511</p> <p>Please check the applicable box below.</p> <p><input type="checkbox"/> In conjunction with the filing of the Reply, I am mailing a copy of the Reply to the Defendant(s)/Counterclaimant(s) at the following address: _____</p> <p><input type="checkbox"/> In conjunction with the filing of the Reply, I am serving a copy of the Reply on the Defendant(s)/Counterclaimant(s) using E-File.</p> <p>(Plaintiff's Signature): _____ (Date): _____</p> <p>Both the Defendant(s)/Counterclaimant(s) and Plaintiff(s)/Counterdefendant(s) will be notified by mail of the date and time that the Court has scheduled this Counterclaim for mandatory Mediation, unless the Counterclaim is exempted from Mediation.</p> <p>You MUST have this Reply notarized (block on the left) or sign the unsworn declaration per NRS 53.045 (block on the right):</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;"> SUBSCRIBED AND SWORN to before me this _____ day of _____, 20 _____. NOTARY PUBLIC in and for the County of _____, State of _____. </td> <td style="width: 50%;"> OR "I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct." (Signature): _____ (Date): _____ </td> </tr> </table>			SUBSCRIBED AND SWORN to before me this _____ day of _____, 20 _____. NOTARY PUBLIC in and for the County of _____, State of _____.	OR "I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct." (Signature): _____ (Date): _____
SUBSCRIBED AND SWORN to before me this _____ day of _____, 20 _____. NOTARY PUBLIC in and for the County of _____, State of _____.	OR "I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct." (Signature): _____ (Date): _____			

JUSTICE COURT, LAS VEGAS TOWNSHIP
Clark County, Nevada

Name and Address of Defendant(s)/Counterclaimant(s)

Plaintiff(s)/Counterdefendant(s) Telephone Number:

VERSUS

Name and Address of Plaintiff(s)/Counterdefendant(s)

Plaintiff(s)/Counterdefendant(s) Telephone Number:

Case No. _____

Department No. _____

PROOF OF SERVICE
(for use by Defendants in
Small Claims Cases)

I, (insert name of person performing service) _____, being duly sworn or under penalty of perjury, state that at all times relevant, I was over 18 years of age and not a party to or interested in the above-captioned Counterclaim; that I received a copy of (check the name of documents you served) [] Counterclaim (Small Claims), [] Instruction to Defendant/Counterclaimant or Plaintiff/Counterdefendant, [] Small Claims Counterclaim Reply, [] Other _____, and that I served the same on Plaintiff/Counterdefendant (insert Plaintiff's/Counterdefendant's name) _____, on (insert date and time you served the documents) _____, 20_____, at the hour of _____ by (check the appropriate paragraph below):

1. **For personal service per JCRCP 4(d)(6):** Delivering and leaving a copy with Plaintiff/Counterdefendant at (insert address at which you served) _____.

2. **For substitute service per JCRCP 4(d)(6):** Delivering and leaving a copy with (insert name or physical description of person served)

a person of suitable age and discretion residing at Plaintiff's/Counterdefendant's dwelling house or usual place of abode, at (insert Plaintiff's/Counterdefendant's address) _____.

3. **For service by registered or certified mail per JCRCP 91 (if allowed):** Depositing a copy in a mailbox of the United States Post Office, enclosed in a sealed envelope, postage prepaid, by registered or certified mail, return receipt requested, addressed to Plaintiff/Counterdefendant at (insert Plaintiff's/Counterdefendant's address).
 (A copy of the signed return receipt must be attached.)

4. **For service on a business entity per JCRCP 91 (if allowed):** Delivering and leaving a copy with (insert name or physical description of person served) _____, who is Plaintiff's/Counterdefendant's (check one) [] president or other head, [] secretary, [] cashier, [] manager, agent, or resident agent, or [] other (specify) _____, at (insert address at which you served) _____.

Date: _____ Signature: _____

[] Residential [] Business Address of Process Server: _____ Phone: _____

You MUST check one of the following boxes AND have this Counterclaim notarized (block on the left) or sign the unsworn declaration per NRS 53.045 (block on the right):

[] I am a licensed private process server or an employee of a licensed private process server; my license or registration number is (insert license or registration number) _____.

[] I am not required to be licensed under Chapter 648 of the Nevada Revised Statutes or another provision of law because I am not engaged in the business of serving legal process within the State of Nevada.

SUBSCRIBED AND SWORN to before me this
 _____ day of _____, 20_____.

NOTARY PUBLIC in and for the
 County of _____, State of _____.

OR UNSWORN DECLARATION: Per NRS 53.045

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

(Signature): _____

(Date): _____

Original-File Copy-Defendant(s)/Counterclaimant(s) Copy-Plaintiff(s)/Counterdefendant(s)

LVJCVL Form -78 New 7/11

**INSTRUCTIONS FOR MOTION FOR SERVICE OF SMALL CLAIMS
COMPLAINT BY CERTIFIED MAIL**

I. Explanation of Motion For Service Of Small Claims Complaint By Certified Mail

An Affidavit of Complaint filed in a small claims action must be personally served on the defendant(s) by a third party process server before you may be heard in court. In instances where your process server has made multiple efforts to personally serve the defendant(s) but has been unsuccessful, you may request the court to allow you to attempt to serve the defendant(s) by certified mail, return receipt requested.

PLEASE NOTE, you will need to file with the court the certified mail receipt that shows the defendant(s) signed for the certified mail. If the defendant(s) do not sign the certified receipt, this will not be considered adequate proof of service and your claim will not be permitted to proceed to trial.

A. This package contains the following documents:

1. Motion For Service of Small Claims Complaint By Certified Mail;
2. Declaration of Due Diligence In Support Of Service Of Small Claims Complaint By Certified Mail;
3. Order For Service of Small Claims Complaint By Certified Mail; and
4. Certificate of Mailing.

B. You must use this package if:

1. You have a small claims action in the Justice Court;
2. You have given a copy(ies) of your Affidavit of Complaint to a process server or another third party over the age of 18 to serve the defendant(s);
3. The third party process server has made diligent attempts to serve the Affidavit of Complaint on the defendant(s) but, despite their best efforts, they have been unable to accomplish personal service; and
4. You know the defendant(s)' address and believe that you can serve the defendant(s) with the Affidavit of Complaint if you are permitted to send it by certified mail.

II. Step 1: Make sure that you have had your process server attempt to serve your Affidavit of Complaint.

You will be required to demonstrate that, despite your best efforts, you have been unable to successfully serve the defendant(s) with the Affidavit of Complaint.

III. Step 2: Prepare your paperwork.

A. Complete the Motion For Service Of Small Claims Complaint By Certified Mail.

This is your request to the Court to allow you to attempt to serve the defendant(s) by certified mail.

1. Insert your name in the blank space above the word "Plaintiff" in the caption and the defendant(s)' name(s) above the word "Defendant(s)."
2. Fill in the case number that appears on your Affidavit of Complaint in the blank space next to the term "Case No.:"
3. Fill in all remaining blanks and sign the Motion.

B. Have your process server complete a Declaration of Due Diligence.

Many professional process servers have their own forms. If you hire a business to serve the defendant(s), ask them to complete this form.

1. Insert your name in the blank space above the word "Plaintiff" in the caption and the defendant(s)' name(s) above the word "Defendant(s)."
2. Fill in the case number that appears on your Affidavit of Complaint in the blank space next to the term "Case No.:"
3. Insert the name of your process server on the blank line in the first paragraph.
4. Your process server will need to complete the remainder of the Declaration.

C. Prepare the Order

1. Insert your name in the blank space above the word "Plaintiff" in the caption and the defendant(s)' name(s) above the word "Defendant(s)."

2. Fill in the case number that appears on your Affidavit of Complaint in the blank space next to the term "Case No.:"

III. Make copies of your documents and file them with a self-addressed, stamped envelope.

You will need to file (1) original and (1) copy of each of the Motion, Declaration, and Order, along with a self-addressed, stamped envelope with the Clerk of the Court. No filing fees are required.

IV. Wait for the signed order.

A signed order either approving or denying your Motion will be mailed to you.

V. Steps following receipt of the signed order.

If your Motion is denied, or if the defendant(s) do not receive the certified mail, you will be required to have your Affidavit of Complaint personally served on the defendant(s). If your Motion is granted:

- A. Mail a file-stamped copy of your Affidavit of Complaint to the defendant(s) via certified mail, return receipt requested (the defendant(s) must sign for the mail within 10 business days prior to the date set for your hearing);
- B. If the defendant(s) does not receive the mail, you will receive the return receipt in the mail as a green postcard with the recipient's signature;
- C. Mail the signed complaint onto the Certificate of Mailing and file (1) original and (1) copy with the clerk of the Justice Court in your case. Pursuant to Justice Court Rules of Civil Procedure 91, the return receipt must be filed immediately with the court.

1 JUSTICE COURT, _____ TOWNSHIP
2 CLARK COUNTY, NEVADA

3 Name: _____) CASE NO.: _____
4 Plaintiff, _____)
5 -vs- _____)
6 Name: _____)
7 Defendant(s). _____)
8

DECLARATION OF DUE DILIGENCE
IN SUPPORT OF MOTION FOR SERVICE
OF SMALL CLAIMS COMPLAINT BY
CERTIFIED MAIL

9 I, (name of third party process server) _____, under penalty of perjury, declare as follows:

10 1. That I am over 18 years of age and am not a party to the above-entitled case.
11 2. That I reside at (your address) _____
12 and my telephone number is (_____) _____
13 3. That on the _____ day of _____, 20____ the Plaintiff provided me
14 with (specify how many) _____ file-stamped copy of the Affidavit of Complaint.
15 4. That I have made diligent attempts to personally serve the Defendant(s) with process but have been unable to
16 complete service of process. The following attempts to serve the Defendant(s) were made:

17 DATE	18 REASON SERVICE COULD NOT 19 BE MADE
20	21
22	23
24	25

26 Per NRS 53.045, I declare under penalty of perjury that the foregoing is true and correct.
27
28 Executed on _____ (Date) _____ (Signature)

1 JUSTICE COURT, _____ TOWNSHIP
2 CLARK COUNTY, NEVADA

3 Name: _____) CASE NO.: _____
4 Plaintiff, _____)
5 -vs- _____) MOTION FOR SERVICE OF SMALL
6 Defendant(s). _____) CLAIMS COMPLAINT BY CERTIFIED
7 MAIL

8 COMES NOW, the undersigned Plaintiff and hereby requests that the Court allow service of process to be
9 made upon (Name of Defendant(s)) _____ certified mail, return
10 receipt requested. This Motion is made pursuant to JCRC 91 and based upon the following facts:

11 1. That the last known address of the Defendant(s) was _____
12
13 2. That the Plaintiff is informed and believes that this is the last known address of the Defendant(s)
14 because: _____
15 3. That on the _____, 20_____, the Plaintiff provided
16 (specify how many) _____ file-stamped copy(ies) of the Affidavit of Complaint to (name of server) _____
17 _____, a person over the age of 18, who is neither a party to nor interested in these proceedings.
18 4. That the Plaintiff is informed and believes that (name of server) _____
19 has made efforts to personally serve the Defendant(s) with process but has been unable to complete service of
20 process.
21 5. Declaration of Due Diligence is being filed herewith.

22 That the Plaintiff therefore requests that the Court sign an Order allowing the Plaintiff to serve the
23 Defendant(s) by mailing a file-stamped copy of the Affidavit of Complaint by certified mail, return receipt
24 requested, to the Defendant(s) last known address.

25 Per NRS 53.045, I declare under penalty of perjury that the foregoing is true and correct.

26 Executed on _____ (Date) _____ (Signature)
27
28

1 JUSTICE COURT, _____ TOWNSHIP
2 CLARK COUNTY, NEVADA

3 Name: _____) CASE NO.: _____
4 Plaintiff, _____)
5 -vs- _____) ORDER FOR SERVICE OF SMALL
6 Defendant(s). _____) CLAIMS COMPLAINT BY CERTIFIED
7) MAIL

8 Upon consideration of the Plaintiff's Motion For Service Of Small Claims Complaint By Certified Mail,
9 and good cause appearing therefore, IT IS HEREBY ORDERED that the Motion is:

10 GRANTED. The Plaintiff may serve process on the Defendant(s) by mailing a file-stamped
11 copy of the Affidavit of Complaint by certified mail with receipt to the Defendant(s)' last known
12 address. In accordance with Justice Court Rules Civil Procedure 91, service of the Affidavit of Complaint shall
13 be made on the Defendant(s) at least 10 days prior to the date set for trial.

14 DENIED.
15 OTHER.
16 _____
17 _____
18 DATED: _____ JUSTICE OF THE PEACE

19
20
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SAFETY

1 JUSTICE COURT, _____ TOWNSHIP
2 CLARK COUNTY, NEVADA

3 Name: _____) CASE NO.: _____
4 Plaintiff, _____)
5 -vs- _____)
6 Name: _____)
7 Defendant(s). _____)

CERTIFICATE OF MAILING

8 I do hereby certify that I mailed a true and correct copy of the AFFIDAVIT OF COMPLAINT to the
9 defendant(s) by certified mail, return receipt requested. The signed return receipt is attached hereto.

10
11
12
13
14
15
16 Affix Return Receipt Card Here
17
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Per NRS 53.045, I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____ (Date) _____ (Signature)

1

2

3 **Justice Court, Las Vegas Township**

4

5 **CLARK COUNTY, NEVADA**

6

7 Plaintiff,

8

9 -v-

10 Defendant.

11

12) MOTION TO PLACE ON CALENDAR
13) REQUEST FOR A 24-HOUR CONTINUANCE
14)
15) CASE NO. _____
16)
17) DEPT. _____
18)
19) PL. REQUEST: #1 _____ #2 _____
20) DEPT REQUEST: _____ #2 _____
21)
22)
23)
24)
25)
26)
27)
28)

13 Upon the application of _____ it is hereby
14 requested that the above entitled matter be continued for the following reason: _____
15 _____
16 _____
17 _____
18 _____
19 _____
20 _____
21 _____
22 _____
23 _____
24 _____
25 _____
26 _____
27 _____
28 _____

13 DATED this _____, 20_____.
14
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SIGNATURE: _____

ADDRESS: _____

PHONE: _____

PL. NOTIFIED BY:

MAIL _____ PHONE _____

DEF. NOTIFIED BY:

MAIL _____ PHONE _____

1 JUSTICE COURT, CLARK COUNTY, NEVADA TOWNSHIP
2

3 Name: _____)
4 Plaintiff, _____)
5 -vs- _____)
6 Name: _____)
7 Defendant. _____)
8

CASE NO.: _____
DEPT. NO.: _____

ORDER SCHEDULING HEARING

9 The Court having reviewed the Motion to Place on Calendar filed herein and good cause
10 appearing therefore,

11 IT IS HEREBY ORDERED that:

12 [] The Motion to Place on Calendar is approved and will be set for hearing on the _____ day of

13 _____, 20____ at _____.M. in department _____ of the _____ Las Vegas Justice Court.

14 [] The Motion to Place on Calendar is DENIED.

15 DATED: _____

16 JUSTICE OF THE PEACE

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SAFETY

Justice Court, _____ Township
CLARK COUNTY, NEVADA

)
PLAINTIFF) CASE NO: _____
-VS-)
)
)
)
)
DEFENDANT)

FORMAL OBJECTION NOTICE

The _____ In the above entitled matter formally objects to the decision
entered on the _____ Day of _____, 20_____. In the above entitled Court and requests
A new Trial.

Per NRS 53.045, "I declare under penalty of perjury that the
foregoing is true and correct."

DATE: _____

Name _____

(Type Address)

CERTIFICATE OF MAILING

The Undersigned certifies that on the _____ Day of _____, 20_____, a copy of the foregoing Notice
Of Formal Objection was mailed to _____ at _____

Postage prepaid.
By depositing a copy in the United States Mail in an addressed sealed envelope,
Per NRS 53.045, "I declare under penalty of perjury that the
foregoing is true and correct."

DATE: _____

Name _____

TO BE COMPLETED BY COURT STAFF ONLY

Courtroom No: _____ At the hour of _____ On _____, 20_____.

JUSTICE COURT, _____

TOWNSHIP

CLARK COUNTY, NEVADA

Plaintiff

)
)
)
)
)
)

Case No. _____

vs.

)
)
)
)
)

Dept. No. _____

Defendant

)
)

EX PARTE MOTION FOR ORDER ALLOWING

EXAMINATION OF JUDGMENT DEBTOR

Plaintiff, _____, files this Court for an Order requiring the above-named Defendant to appear before the Court or attorney's office located at _____ and answer questions upon oath regarding the defendant's property.

This Motion is based upon the Small Claims Complaint on file and the affidavit of Plaintiff, attached hereto.

DATED this _____ day of _____, 19____.

Per NRS 53.045, "I declare under penalty of perjury that the foregoing is true and correct."

SUBMITTED BY: _____
Your signature _____

Print Your Name _____

Address _____

State _____

Zip Code _____

Phone Number _____

**Motion for EJD
Page 1 of 2**

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

**AFFIDAVIT OF PLAINTIFF IN SUPPORT OF EX PARTE MOTION
FOR EXAMINATION OF JUDGMENT DEBTOR**

_____, being first duly sworn upon oath, or affirmation deposes and says as follows:

1. I am the Plaintiff in the above entitled action. I have personal knowledge of the facts contained herein and am competent to testify to these facts.
2. A Judgment was entered against defendant _____ on _____, 20_____, in this Court of Law _____ Township, Clark County, Nevada.
3. As of this date _____, judgment _____ has been satisfied.
4. Despite diligent efforts to locate assets of the defendant, Plaintiff has not been able to ascertain the whereabouts of such assets.

Subscribed and sworn before me this
Date _____

Deputy Clerk / Notary
State of Nevada
County of Clark

OR: ONE OF THE FOLLOWING: NRS 53.045

(a) If executed in the state: "I declare under penalty of perjury that the foregoing is true and correct."

Executed on _____ (Date) _____ (Signature)

(b) If executed outside this state: "I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct."

Executed on _____ (Date) _____ (Signature)

**Motion for EJD
Page 2 of 2**

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

Plaintiff, _____
vs. _____
Defendant, _____

Case No. _____
Dept. No. _____

ORDER FOR APPEARANCE OF JUDGMENT DEBTOR

Good Cause Appearing,

IT IS HEREBY ORDERED that you _____ appear
at _____ on the _____ day of _____, 20_____,

in Courtroom _____, with regard to the Judgment entered against you on

_____, when and there to answer questions under Oath concerning

your assets.

YOU ARE ALSO BRING with you copies of any and all documents outlined in
Exhibit #1, attached hereto.

**Order for EJD
Page 1 of 2**

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

YOUR FAILURE TO APPEAR AT THE TIME SET FORTH ABOVE
COULD RESULT IN AN ORDER TO SHOW CAUSE TO BE ISSUED TO
EXPLAIN YOUR FAILURE TO APPEAR AND TO DISPOSE OF YOUR ASSETS.

DATED this _____ day of _____, 20____

NOTICE OF THE PEACE

SUBMITTED BY:

Subscribed and sworn before me
Date _____

Deputy Clerk / Notary
State of Nevada
County of Clark

OR: ONE OF THE FOLLOWING under NRS 53.045

(a) If executing within this state: "I declare under penalty of perjury that the foregoing is true and correct."

Executed on _____ (Date)

(Signature)

(b) If executing outside of this state: "I declare under penalty of perjury under the laws of the state of Nevada that the foregoing is true and correct."

Executed on _____ (Date)

(Signature)

**Order for EJD
Page 2 of 2**

Justice Court, Township of _____

CLARK COUNTY, NEVADA

Name: _____

CASE NO. _____

Address: _____

DEPT. NO. _____

City, State, Zip: _____

Plaintiff,

—vs—

Name: _____

WIT OF EXECUTION

Address: _____

EARNINGS

City, Zip: _____, Nevada,

BANK ACCOUNTS

Defendant.

OTHER PROPERTY

THE PEOPLE OF THE STATE OF NEVADA, TO THE COUNTY/TABLE/SHERIFF, TOWNSHIP OF _____, CLARK COUNTY, GREET:

To FINANCIAL INSTITUTIONS: This judgment may be recovered for money for the support of a person.

On _____, 20_____, judgment was entered by the above-entitled court in the above-entitled action in favor of _____

, as Judgment Creditor, and against _____, as Judgment Debtor, for:

\$ _____
\$ _____
\$ _____
\$ _____

Principal,
Pre-Judgment Interest,
Attorney's Fees, and
Costs, making a total amount of

\$ _____

The judgment as entered, and

WHEREAS, according to an affidavit, memorandum of costs after judgment, or both, filed herein, it appears that further sums have accrued since the entry of judgment, to wit:

\$ _____
Accrued Interest, and
Accrued Costs, together with
Fee, for the issuance of this writ, making a total of
As accrued costs, accrued interest and fees.

Credit must be given for payments and partial satisfactions in the amount of \$ _____

which is to be first credited against the total accrued costs and accrued interest, with any excess credited against the judgment as entered, leaving a net balance of \$ _____

actually due on the date of the issuance of this writ, of which \$ _____
bears interest at _____ percent per annum, in the amount of \$ _____, per day,

from the date of judgment to the date of levy, to which must be added the commissions and costs of the officer executing this writ.

NOW, THEREFORE, CONSTABLE/SHERIFF, you are hereby commanded to satisfy this judgment with interest and costs as provided by law, out of the personal property of the judgment debtor, except that for any workweek, 75 percent of the disposable earnings of the debtor during that week or 50 times the minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), and in effect at the time the earnings are payable, whichever is greater, is exempt from any levy of execution pursuant to this writ, and if sufficient personal property cannot be found, then out of the real property belonging to the debtor in the aforesaid county, and make return to this writ within not less than 10 days or more than 60 days endorsed thereon with what you have done.

Dated: This _____ day of the month of _____, _____, year _____.

Issued at direction of:

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

(Signature)

Plaintiff Attorney for Plaintiff

Deputy Clerk

Name: _____

Address: _____

City, State, Zip: _____

Phone: _____

Email: _____

Date: _____

CONSTABLE/SHERIFF INFORMATION

AMOUNTS TO BE COLLECTED BY DEBTOR:

NET BALANCE:

Garnishment Fee: _____

Mileage: _____

Levy Fee: _____

Sub-Total: _____

Commission: _____

TOTAL: _____

RETURN:

_____	Not satisfied	\$ _____
_____	Satisfied in sum of	\$ _____
_____	Costs retained	\$ _____
_____	Commission retained	\$ _____
_____	Costs incurred	\$ _____
_____	Commission incurred	\$ _____
_____	Costs received	\$ _____

REMITTED TO JUDGMENT CREDITOR:

\$ _____

I hereby certify that I have this date returned the foregoing Writ of Execution with the results of the levy endorsed thereon.

CONSTABLE OR SHERIFF'S CIVIL PROCESSS SECTION, TOWNSHIP OF _____

By: _____
Title: _____

Date _____

JUSTICE COURT, TOWNSHIP OF _____
CLARK COUNTY, NEVADA

Name: _____
Address: _____
City, State, Zip: _____

CASE NO.: _____
DEPT. NO.: _____

Plaintiff,
—vs.—

Name: _____
Address: _____
City, State, Zip: _____
Defendant,

WRIT OF GARNISHMENT

THE STATE OF NEVADA TO:

You are hereby notified that you are attached as garnishee in the above-entitled action, and you are commanded not to pay any debt from yourself to _____, Defendant(s), and that you must retain possession and control of all personal property, money, credits, debts, effects, and choses in action of said Defendant(s) in order that the same may be dealt with according to law; where such property consists of wages, salaries, commissions or bonuses, the amount you shall retain shall be in accordance with 15 U.S. Code 1673d, Nevada Revised Statutes 31.295.

Plaintiff believes that you have property, money, credits, debts, effects, and choses in action in your hands and under your custody and control belonging to said Defendant(s) more particularly described as:

YOU ARE REQUIRED within 20 days from the date of service of this Writ of Garnishment to answer the interrogatories set forth herein and forward such answers to the office of the Sheriff or Constable which issued the Writ of Garnishment. In case of your failure to answer the interrogatories within 20 days, a Judgment by Default will be entered against you for:

(a) The amount demanded in the Writ of Garnishment or the value of the property described in the writ, as the case may be; or
(b) If the garnishment is pursuant to NRS 31.291, the amount of the lien created pursuant to that section, which amount or property may be set forth in the Writ of Garnishment.

IF YOUR ANSWERS to the interrogatories indicate that you are the employer of the Defendant(s), this Writ of Garnishment shall be deemed to **CONTINUE FOR 120 DAYS** or until the amount demanded in the attached Writ of Execution is satisfied, whichever occurs earlier.

YOU ARE FURTHER DIRECTED to forward all funds due to the Defendant(s) each payday in the future, **UP TO 120 DAYS**, an amount which is exempt and less \$3.00 per pay period (not to exceed \$12.00 per month) which you retain as a fee for compliance. The \$3.00 fee does not apply to the first pay period covered by this Writ of Garnishment.

YOU ARE FURTHER REQUIRED to serve a copy of your answers to the interrogatories on Defendant(s), at the address listed in the case caption above, and on Plaintiff or Plaintiff's attorney, at the address listed below.

Issued at direction of (sign and circle one):

SHERIFF/CONSTABLE, TOWNSHIP OF _____

By: _____
Plaintiff OR Attorney for Plaintiff Title _____ Date _____

Name and address of Plaintiff OR Attorney for Plaintiff

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

The undersigned being duly sworn states that I received the within WRIT OF GARNISHMENT on the _____ day of _____, 20____, and personally served the same on the _____ day of _____, 20____, in the same manner as provided by rule of court or law of this state for the service of a summons in a civil action, and I tendered the statutory fee of \$5.00 to _____ at _____, City of _____, County of _____, State of Nevada.

BY: _____

Title _____

INTERROGATORIES TO BE ANSWERED BY THE GARNISHEE AND SERVED UPON THE DEFENDANT ~~ON PAPER~~ **ON PAPER** ~~UPON PENALTY OF PERJURY:~~

1. Are you in any manner indebted to the Defendant(s) _____, or either of them, either in property or money, and is it not now due? If not due, When is the debt to become due? State fully all particulars.

Answer: _____

2. Are you an employer of one or all of the Defendants? If so, state the length of your pay period and the amount of disposable earnings, as defined in NRS 31.295, that each defendant presently earns during a pay period. State the minimum amount of disposable earnings that is exempt from garnishment, which is the federal minimum hourly wage prescribed by section 6(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. § 206(a)(1), in effect at the time the earnings are payable multiplied by 50% of the week of the pay period, after deducting any amount required by law to be withheld.

Calculate the attachable amount as follows (check one of the following):

The employee is paid: [A] Weekly: _____, [B] Bi-weekly: _____, [C] Semimonthly: _____, [D] Monthly: _____

(1) Gross Earnings \$ _____

(2) Deductions required by law (not including child support) \$ _____

(3) Disposable Earnings [Subtract line 2 from line 1] \$ _____

(4) Federal Minimum Wage \$ _____

(5) Multiply line 4 by 50% \$ _____

(6) Complete the following directions in accordance with the letter selected above:

[A] Multiply line 5 by 25% \$ _____

[B] Multiply line 5 by 50% \$ _____

[C] Multiply line 5 by 50% and then divide by 24 \$ _____

[D] Multiply line 5 by 52% and then divide by 12 \$ _____

(7) Subtract line 6 from line 5 \$ _____

This is the attachable earnings. This amount must not exceed 25% of the disposable earnings from line 3.

Answer: _____

3. Did you have in your possession, in your charge or under your control, on the date the Writ of Garnishment was served upon you, any money, property, effects, goods, chattels, rights, credits or choses in action of the Defendants, or either of them, or in which Defendants are interested? If so, state its value, and state fully all particulars.

Answer: _____

4. Do you know of any debts owing to the Defendant(s), whether due or not due, or any money, property, effects, goods, chattels, rights, credits or choses in action, belonging to Defendant(s) or in which Defendant(s) is/are interested, and now in the possession or under the control of others? If so, state all particulars.

Answer: _____

5. Are you a financial institution with a personal account held by one or all of the Defendants? If so, state the account number and the amount of money in the account which is subject to garnishment. As set forth in section 3 of Assembly Bill 223 (76th Sess. 2011), \$2,000 or the entire amount in the account, whichever is less, is not subject to garnishment if the financial institution reasonably identifies that an electronic deposit of money has been made into the account within the immediately preceding 45 days which is exempt from execution, including, without limitation, payments of money described in section 3 of Assembly Bill 223 or, if no such deposit has been made, \$2,000 or the entire amount in the account, whichever is less, is not subject to garnishment, unless the garnishment is for the recovery of money owed for the support of any person. The amount which is not subject to garnishment does not apply to each account of the judgment debtor, but rather is an aggregate amount that is not subject to garnishment.

Answer: _____

6. State your correct name and address, or the name and address of your attorney, upon whom written notice of further proceedings in this action may be served.

Answer: _____

I declare under penalty of perjury that the answers to the foregoing interrogatories by me subscribed are true and correct.

**Executed on the _____ day of the month of _____ of the year 20_____.

_____**

(*of Garnishee*)

Print now &

NOTE: Under 31.297, if an employee, without legal justification, refuses to withhold the earnings of a Defendant demanded in a Warrant of GARNISHEMENT or knowingly misrepresents the earnings of the Defendant, the court may order the employee to appear and show cause why he should not be subject to the following penalties:

(1) If the Plaintiff has obtained a judgment against the Defendant, an order to the employer to pay the Plaintiff the amount of any wages withheld by the employer's refusal to withhold or his misrepresentation of the Defendant's earnings.

(2) In addition, the court may order the employer to pay the Plaintiff punitive damages in an amount not to exceed \$1,000 for each pay period in which the employer has, without legal justification, refused to withhold the Defendant's earnings or has misrepresented the earnings.

CERTIFICATE OF MAILING

I HEREBY CERTIFY that service of the foregoing **SATISFACTION OF JUDGMENT** was made on
(insert date) _____, 20_____, pursuant to JCRCP 5(b), by depositing a copy of the
same in the United States Mail in Las Vegas, Nevada, postage prepaid, addressed as follows (insert name and
address of the opposing party's attorney, or opposing party if unrepresented):

Per NRS 53.045, "I declare under penalty of perjury, the foregoing is true and correct."

(Date)

(Type or print name)

(Signature)

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**JUSTICE COURT, LAS VEGAS TOWNSHIP
Clark County, Nevada**

Name of Plaintiff(s)

Case No. _____

Department No. _____

VERSUS

Name of Defendant(s)

DEFAULT

It appearing from the files and records in the above entitled action that _____

Defendant(s) herein, being duly served with a copy of the Summons and Complaint on the _____

That more than 20 days, exclusive of the day of service, having _____ been served on the Defendant(s): that no Answer or other appearance having been filed and no further time having been granted, is the default of the above named Defendant(s) for failing to answer or otherwise plead to the Plaintiff's Complaint, hereby entered.

DEPUTY CLERK

Date

The undersigned hereby requests
and directs the Entry of Default

(Type or print attorney or self-represented party name): _____

(Attorney For): _____

Original-File Copy-Plaintiff Copy-Defendant