

JUSTICE COURT, TOWNSHIP OF NEW RIVER
CHURCHILL COUNTY, NEVADA

Landlord's
Name:

vs. Landlord,

Case No.: _____

Dept No.: _____

Tenant's
Name:

Address:

City, State, Zip:

Phone:

E-Mail:

Tenant.

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

Nuisance/Waste/Assigning/Subletting/Unlawful
Business/Controlled Substance Violation

Perform Lease Condition

Tenancy-At-Will

No Cause

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

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

_____.

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

(Complete Section 3 ONLY if you received a Three-Day Notice to Quit for Nuisance/Waste/Etc.)

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

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

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

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

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

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

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

Other defense *(explain below)*.

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

Check if attaching continuation pages

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

1 **(Complete Section 4 ONLY if you received a Five-Day Notice to Perform Lease Condition or Quit.)**

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

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

5 I fixed (or "cured") the alleged violation of my lease agreement within five days after Landlord's
6 notice to me.

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

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

9 The Notice to Perform Lease Condition or Quit did not specifically identify the relevant lease
10 provisions, the alleged violations, and what I needed to do to save the lease;

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

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

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

16 Other defense (*explain below*).

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

18 _____
19 _____
20 _____

Check if attaching continuation pages

21 **(Complete Section 5 ONLY if you received a Seven-Day or Thirty-Day "No Cause" Notice to Quit.)**

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

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

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

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

Landlord (*check one*) approved my request on (*insert date*) _____, or

rejected my request,² or has not responded to my request.

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

- Landlord's notices did not comply with Nevada law because *(check all that apply)*:
 - One or more of the notices were not served on me as required by NRS 40.280;
 - The thirty-day notice did not notify me of my right to request to be allowed to continue in possession for an additional 30 days as required by NRS 40.251(3).
 - The Notice of Unlawful Detainer did not identify the court that has jurisdiction over this case;
 - The Notice of Unlawful Detainer did not notify me of my right to contest this matter by filing an affidavit with the court;
 - The Notice of Unlawful Detainer did not notify me of my right to request that the court stay the execution of the order for a period not exceeding 10 days.
 - Other defense *(explain below)*.

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

Check if attaching continuation pages

(Complete Section 6 ONLY if you received a Five-Day Tenancy-At-Will Notice to Quit.)

- 6. I received a five-day notice to vacate my rental premises. I disagree with the notice for the following reasons *(check all that apply and provide your written explanation at end of this section)*:
 - I am not a tenant-at-will because I pay rent to the Landlord in the amount of *(insert amount of rent)* _____ per *(check one)* month, week, or other *(specify)* _____.
 - I am not a tenant-at-will because I have an agreement with my Landlord regarding the length of my tenancy *(explain the agreement at the end of this section)*:
 - Landlord's notices did not comply with Nevada law because *(check all that apply)*:
 - One or more of the notices were not served on me as required by NRS 40.280;
 - The Notice of Unlawful Detainer did not identify the court that has jurisdiction over this case;
 - The Notice of Unlawful Detainer did not notify me of my right to contest this matter by filing an affidavit with the court;
 - The Notice of Unlawful Detainer did not notify me of my right to request that the court stay the execution of the order for a period not exceeding 10 days.
 - Other defense *(explain below)*.

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

Check if attaching continuation pages

1 **(The following sections may apply regardless of why you are being evicted. Select all that apply.)**

- 2 7. This action is brought in violation of the Federal Fair Housing Act or Nevada laws forbidding
3 discrimination in housing (*explain below*).
- 4 8. This action is brought in violation of NRS 118A.510, which prohibits a landlord from terminating a
5 tenancy in retaliation for a tenant having engaged in certain protected acts (*explain below*).
- 6 9. I am a tenant on property that has been foreclosed upon and sold. The new owner (*check all that apply*):
7 Failed to serve me with the notice of change of ownership required by NRS 40.255(2);
8 Is violating NRS 40.255 by failing or refusing to grant me an additional 60 days on the property;
9 Is attempting to use the summary eviction procedure in violation of NRS 40.255(1), which requires
10 the new owner to use the formal unlawful detainer procedure under NRS 40.290 to 40.420.
- 11 10. I am a "covered" person under the Department of Health & Human Services Centers for Disease Control
12 and Prevention's Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19,
13 and this eviction is not allowable under that Order. *85 Fed. Reg. 173 (Sept. 4, 2020)*. I am filing Proof of
14 Service of the Declaration under Penalty of Perjury for the CDC's Halt in Residential Evictions.
- 15 11. Other defense (*explain below*).
- 16 12. Pursuant to NRS 70.010 and JCRCP 110, I ask the Court to delay ("stay") enforcement of any summary
17 eviction order for (*insert number of days, up to 10*) _____ for the following reasons (*explain*
18 *below*).

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

20 _____
21 _____
22 _____

Check if attaching continuation pages

23 THEREFORE, I request that Landlord take nothing requested in Landlord's Affidavit/Complaint.

24 *I understand that as long as the filing of this affidavit is timely, I will receive
25 notice of my hearing by regular U.S. Mail.*

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

27 _____
28 (*Date*)

(*Type or Print Name*)

(*Signature*)