

FIVE-DAY NOTICE TO PERFORM LEASE CONDITION OR QUIT (NRS 40.2516)

<i>TO: Name of TENANT(s)</i>
<i>Address:</i>
<i>City, State, ZIP:</i>

<i>FROM: Name of LANDLORD</i>
<i>Address</i>
<i>City, State, ZIP:</i>
<i>Telephone Number:</i>

DATE OF SERVICE: _____

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

 _____(attach additional pages if necessary)

You must either vacate the premises or correct the violations described above no later than five (5) judicial days¹ following the Date of Service of this notice. If you do not comply with this notice, your possession of the premises will be unlawful (called "unlawful detainer"), and your landlord may initiate an eviction against you by either serving you with a Five-day Notice to Quit for Unlawful Detainer or a Summons and Complaint for Unlawful Detainer. If the court determines that you are guilty of an unlawful detainer, the court may issue a summary order for your removal or an order providing for your non-admittance, directing the sheriff to post the order in a conspicuous place on the premises not later than 24 hours after the order is received by the sheriff. The sheriff will be required to remove you not earlier than 24 hours but not later than 36 hours after the posting of the order.

Within five (5) days after the Date of Service of this notice, you may perform the condition or covenant and thereby save the lease from forfeiture, unless the covenants and conditions cannot afterwards be performed.

Pursuant to NRS 118A.390, you may seek relief if a landlord unlawfully removes you from the premises, or excludes you by blocking or attempting to block your entry upon the premises, or willfully interrupts or causes or permits the interruption of an essential service required by the rental agreement or NRS Chapter 118A.

¹Judicial days do not include date of service, Saturdays, Sundays, or certain holidays.

DECLARATION OF SERVICE

On _____, I served a Five-Day Notice to Perform Lease
(Date of Service)

Condition or Quit to the following address in the following manner:

Street address where you served: _____

City, State, Zip where you served: _____

(Check only one.)

By delivering a copy to the tenant(s) personally.

Because the tenant(s) was absent from tenant's place of residence, by leaving a copy with:

_____, a person of
(Name or physical description of person served.)

suitable age and discretion, AND by mailing a copy to the tenant(s) at tenant's place of residence.

Because neither tenant nor a person of suitable age or discretion could be found there, by posting a copy in a conspicuous place on the property AND mailing a copy to the tenant(s) at the place where the property is situated.

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

Date

Server's Signature

Server's Badge/License Number

Server's Name - Print

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

**IF THE TIME TO PERFORM LEASE CONDITION OR QUIT HAS EXPIRED
AND THE TENANT HAS NOT CORRECTED THE VIOLATION(S),
VACATED THE PREMISES, OR FILED AN ANSWER,
YOU MUST SERVE THE TENANT WITH A:
FIVE-DAY NOTICE TO QUIT FOR UNLAWFUL DETAINER**

FIVE-DAY NOTICE OF UNLAWFUL DETAINER (NRS 40.254)

TO: Name of TENANT(s)
<input type="checkbox"/> and all occupants <input type="checkbox"/> named Tenant(s) only
Address:
City, State, ZIP:

FROM: Name of LANDLORD
Address
City, State, ZIP:
Telephone Number:

DATE OF SERVICE: _____

YOU ARE GUILTY OF AN UNLAWFUL DETAINER
YOU ARE REQUIRED TO QUIT THE PREMISES

YOU CAN CONTEST THIS NOTICE and state the reasons you are not guilty of an unlawful detainer by filing an Affidavit (or Answer) before the court's close of business¹ on the fifth (5th) full judicial day ² following the Date of Service of this notice. To file an answer, you can visit our office at 800 South C Street, Virginia City, Nevada 89440 or access the form on our website.

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

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

If you are in default in the payment of rent, ***rental assistance is available at SEE ATTACHED***. If you have a pending application for rental assistance, or if your landlord has refused to participate in the rental assistance process or has refused to accept rental assistance on your behalf, you have the right to assert those facts as a defense to this eviction at any point in the proceedings. Should you assert this defense to the court, the court will determine if your case is designated as one that may be paused until a determination on your rental assistance application is made or until a hearing is held for you to prove the validity of your claim of the landlord's refusal.

Your landlord IS NOT IS requesting an exemption from any pause in this eviction case due to a realistic threat of foreclosure of the rental property if unable to evict you.

Additionally, mediation programs are available, and if the court determines that your case is designated as one mandating mediation, you may receive an order setting a hearing and notification of mediation after you file an affidavit contesting the eviction order. The eviction case will be paused for not more than 30 days to facilitate mediation.

Tenants are advised that information concerning the availability of mediation and government-sponsored rental assistance may be accessed at: SEE ATTACHED.

¹ The Justice Court hours of operation are the following days and times: Monday – Friday, 8:00 a.m., - 5:00 p.m.

² Judicial days do not include the date of service, Saturdays, Sundays, and certain legal holidays.



Government Sponsored Rental Assistance Programs, Legal Aid Programs and Self Help Centers

Government Sponsored Rental Assistance Programs

https://housing.nv.gov/Resources/COVID-19/Renter_Assistance/

Legal Aid Programs

North

Volunteer Attorney's for Rural Nevadans (VARN) in Carson City: 775.883.8278

www.varn.org

Washoe Legal Services in Reno: 775.329.2727

www.washoelegalservices.org

South

Legal Aid Center of Southern Nevada in Las Vegas: 702.386.1070

www.lacsn.org

Southern Nevada Senior Law Program in Las Vegas: 702.229.6596

www.snslp.org

Statewide

Nevada Legal Services: 702.386.0404 OR 775.284.3491

www.nlslaw.net

Court Self Help Programs

Civil Law Self Help Center - Clark County Regional Justice Center

200 Lewis Ave, Las Vegas, NV 89101 - Open

702.671.3976

www.civillawselfhelpcenter.org

Washoe County Law Library

Currently closed to in-person visits

775.328.3250

<https://www.washoecourts.com/lawlibrary/onlineresources>



Programas de asistencia de alquiler patrocinados por el Gobierno, Centros de Ayuda Legal y Centros de Auto Ayuda

Programas de Asistencia de Alquiler Patrocinados por el Gobierno

https://housing.nv.gov/Resources/COVID-19/Renter_Assistance/

Programas de Centros de Ayuda Legal

Norte de Nevada

Abogados Voluntarios para ciudadanos de Nevada en Zonas Rurales: 775.883.8278
www.varn.org

Servicios legales de Washoe en Reno: 775.329.2727
www.washoelegalservices.org

Sur de Nevada

Centro de Ayuda Legal del Sur de Nevada: 702.386.1070

www.lacsn.org

Programa de Derecho para Personas Mayores del Sur de Nevada: 702.229.6596
www.snslp.org

Estatal

Servicios legales de Nevada: 702.386.0404 o 775.284.3491
www.nlslaw.net

Programas de auto ayuda patrocinados por la corte

El Centro de auto ayuda de derecho civil en el Centro de justicia regional del condado de Clark
200 Lewis Ave, Las Vegas, NV 89101 - Abierto al publico
702.671.3976
www.civillawselfhelpcenter.org

Biblioteca de derecho del condado de Washoe
Actualmente cerrado para visitas en persona
775.328.3250
<https://www.washoecourts.com/lawlibrary/onlineresources>

DECLARATION OF SERVICE

On _____, I served a Five-Day Notice of Unlawful Detainer to
(Date of Service)

the following address in the following manner:

Street address where you served: _____

City, State, Zip where you served: _____

(Check only one.)

By delivering a copy to the tenant(s) personally.

Because the tenant(s) was absent from tenant's place of residence, by leaving a copy with:

_____, a person of
(Name or physical description of person served.)

suitable age and discretion, AND by mailing a copy to the tenant(s) at tenant's place of residence.

Because neither tenant nor a person of suitable age or discretion could be found there, by posting a copy in a conspicuous place on the property AND mailing a copy to the tenant(s) at the place where the property is situated.

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

Date

Server's Signature

Server's Badge/License Number

Server's Name - Print

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

FILING A COMPLAINT FOR SUMMARY EVICTION

You will need to file an original and two copies of the following documents with the justice court:
(Be prepared to pay a filing fee. The current filing fee is \$51.00)

- ① Complaint for Summary Eviction;
- ② All eviction notices served on the tenant ;
- ③ The written rental/lease agreement, if any, and
- ④ The original Affidavit of Service and when required, a certificate of mailing.
- ⑤ Initial Appearance Affirmation
- ⑥ Civil Cover Sheet (for court only)

Note: If the Tenant does file an Answer, YOU WILL STILL NEED TO FILE A COMPLAINT FOR SUMMARY EVICTION. A hearing will be scheduled. You will receive notification from the Court of the hearing date and time

**IN THE JUSTICE COURT OF VIRGINIA TOWNSHIP
IN AND FOR THE COUNTY OF STOREY, STATE OF NEVADA**

Owner's Name:	
Business Name:	
Agent's Name:	
Address:	
City, State, Zip	
Phone:	
Email:	
vs.	Landlord,
Tenant's Name:	Tenant.

Case No. _____

**LANDLORD'S COMPLAINT FOR
SUMMARY EVICTION**

- Nuisance/Waste/Assigning/Subletting/
Unlawful Business/Controlled Substance
Violation
- Perform Lease Condition
- Tenancy-at-will
- No Cause

Landlord or Landlord's authorized agent states as follows pursuant to NRS 40.254:

1. I am the *(check one)* owner or owner's agent of the rental premises located at:
_____ situated within
(Street address for rental)

Virginia Township, Storey County, Nevada.

2. The tenancy started on the date of _____.

3. The tenancy is a *(check one)* periodic month-to-month periodic week-to-week fixed-term with the tenancy ending on: _____ tenancy-at-will or
 other *(describe)*: _____.

4. Tenant has not complied with the terms of the rental agreement or with the obligations of tenants set forth in Chapter 118A of the NRS as follows: *(describe tenant's violation)*: _____

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

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

7. I do not do request to mediate this issue. *(Answer the following questions even if you are not requesting mediation.)*

8. If sent to mediation, I prefer (*check one box*) an in-person mediation a telephonic mediation a video-conference mediation.

9. The following individual has the authority to settle the case and would participate in mediation if mediation proceeds: (*check all that apply*) myself other individual with authority: (*Write the names of all the individuals with authority who plan to be at the mediation.*)

10. The mediator may contact me/the individual with settlement authority at the following:

The best phone number for the mediator to make contact: _____

The best email for the mediator to make contact: _____

The best mailing address for the mediator to make contact: _____

11. Tenant is *not* is in default of rent. (*If tenant is not in default, move to signature line of the form.*)

a. I am moving for an exemption from a stay of this case due to a realistic threat of foreclosure. The following is a description of the facts demonstrating that I am facing a realistic threat that the rental property will be foreclosed upon unless I am able to evict the tenant.

b. I am moving to rebut Tenant's affirmative defense regarding a pending rental assistance application. The following facts support my rebuttal to the affirmative defense:

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

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

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

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

Signature

Date

Print Name

**IN THE JUSTICE COURT OF VIRGINIA TOWNSHIP
IN AND FOR THE COUNTY OF STOREY, STATE OF NEVADA**

<i>Owner's Name/DBA:</i>
<i>Address:</i> <i>City, State, ZIP:</i>
<i>Agent's Name</i>
<i>Address:</i> <i>City, State, ZIP</i>
Plaintiff/Landlord
Versus
<i>Name:</i> <i>Address:</i> <i>City, State, ZIP:</i>
Defendant/Tenant

Case No. _____

**INITIAL APPEARANCE AFFIRMATION
(NRS 239B.030/603A.040)**

The undersigned does hereby affirm that upon the filing of additional documents in the above matter, an Affirmation will be provided ONLY if the document contains a social security number (NRS 239B.030) or "personal information" (NRS 603A.040), which means a natural person's first name or first initial and last name in combination with any one or more of the following data elements:

1. Social Security number.
2. Driver's license number or identification card number.
3. Account number, credit card number or debit card number, in combination with any required security code, access code or password that would permit access to the person's financial account.

The term does not include publicly available information that is lawfully made available to the general public.

(Your signature) _____ (Date) _____, 20__

The purpose of this initial affirmation is to ensure that each person who initiates a case, or upon first appearing in a case, acknowledges their understanding that no further affirmations are necessary unless a pleading which is filed contains personal information.

**VIRGINIA TOWNSHIP JUSTICE COURT
CIVIL COURT COVER SHEET**

Case. _____
(Assigned by Clerk's Office)

I. Party Information (Provide both home and mailing address if different.)

Plaintiff(s)' Name, address, phone:	Defendant(s), Name, address, phone:
Attorney's Name, address, phone:	Attorney's Name, address, phone:

II. Nature of Controversy (Please select the one most applicable filing type below.)

Civil Case Filing Types:

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

_____ Date

_____ Signature of initiating party or representative

Civil Case Filing Types – Definitions

The following information is furnished as a guide only and should not be construed as legal advice. Our court staff is happy to help you, but it is against the law for court staff to give legal advice.

Landlord/Tenant (Summary Eviction): A case for exclusion of a tenant for default of rent or other deficiency following as in NRS 40.253 and 40.254. These are eviction cases where a landlord cannot get a money judgment.

Unlawful Detainer Complaint (Writ of Restitution): A case involving a formal complaint alleging the occupant's right to possess a property has been terminated after the foreclosure or sale of a property. This category includes evictions of commercial tenants on any basis other than nonpayment of rent.

Other Real Property: A case involving disputes of real property that does not fit within the definitions of Landlord/Tenant or Unlawful Detainer Complaint.

Credit Card Collection: A debt collection case where the petitioner is a credit card company.

Payday Loan Collection: A debt collection case where the petitioner is a payday loan company.

Debt Collection Agency: A debt collection case where the petitioner is a debt collection agency.

Other Debt Collection: A debt collection case that does not fit within the definitions of any other debt collection case category. This category includes tax collection cases.

Contract Buyer Plaintiff: A contract case (expressed or implied) involving a buyer of goods or services alleging that a seller of goods or services has failed to either deliver said goods or services or honor a warranty.

Other Contract Case: A contract case (expressed or implied) that does not fit within the definitions of a Contract Buyer Plaintiff case.

Auto: A negligence case resulting from personal injury, property damage, or wrongful death arising out of a party's alleged negligent operation of a motor vehicle.

Premises Liability: A negligence case involving liability resulting from alleged negligence on property that results in damages or injuries to persons or property occupying said property.

Other Negligence: A negligence case that does not fit within the definitions of Auto negligence or Premises Liability.

Intentional Misconduct: A case involving issues of an alleged intentional misconduct. Examples include assault, battery, fraud, punitive damages, defamation, libel, and slander.

Other Torts: A case that does not fit within the definitions of any other negligence case type or Intentional Misconduct.

Contested Liens Case: A case that contests the validity of liens, or requests the enforcement of liens. Examples include the enforcement of mechanics' liens (NRS 108.239)

and liens of owners of storage facilities, or to contest the validity of liens on mobile and manufactured homes.

District Court Order to Seal Records: An order from the District Court to the Justice or Municipal Court which directs the court to seal their records. Original Petitions to Seal Records should be counted as "Other Civil Matters."

Other Civil Matters: A case that involves a matter that does not fit within the definitions of any other civil case category. This includes "Confession of Judgment" and Petitions to Seal Records.

Request for Domestic Violence Protective Order: A protection order application for a temporary order for protection from a person who has committed or may commit an act of domestic violence (including battery). (Refer to NRS 33.020, 33.030, 33.080, 33.100, and 200.481.)

Request for Protection Order (Non-Domestic Violence): A protection order application for a temporary order for protection from a person who has committed or may commit an act an act of harassment, stalking, or threat to life not related to domestic violence of sexual assault.

Sexual Assault Protection Orders: A protection order application for an order for protection against a person who has or may commit an act related to sexual assault. (Refer to NRS 193.166 and 202.378.)

Requests for Extended Domestic Violence Protective Orders: A protection order case involving a request for an extended order for protection against domestic violence (including battery). (Refer to NRS 33.020, 33.030, 33.100, and 200.481.)

Requests for Extended Protective Orders (Non-Domestic Violence): A protection order case involving a request for an extended order for protection against harassment, stalking, or threat to life not related to domestic violence.

Please contact our office if you have procedural questions or need filing fee information. You may also visit our Justice Court website at www.storeycounty.org.

Virginia Township Justice Court
800 South C Street
P.O. Box 674
Virginia City, Nevada
Phone: 775-847-0962
Facsimile: 775-847-0915
Email: jp@storeycounty.org

Storey County is an equal opportunity provider and employer.