

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

Landlord's
Name:

Landlord,

vs.

Tenant's Name:

Address:

City, State, Zip:

Phone:

Email:

Tenant.

Case No. _____

**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. The complete address of the rental unit, including city, state, and zip, is:

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

3. I am not am behind on rent.

TENANT: FIND THE QUESTION (4, 5, 6, OR 7) THAT CORRESPONDS TO THE NOTICE YOU RECEIVED AND COMPLETE THAT SECTION ONLY. THEN MOVE ON TO PAGE 5.

QUESTION 4: NUISANCE, WASTE, ASSIGNING/SUBLETTING, UNLAWFUL BUSINESS

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

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 to not meet the legal definition of "nuisance." 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.

Other defense. (Explain below.)

QUESTION 5: LEASE VIOLATION

(Complete this section ONLY if you received a Five-Day Notice to Perform Lease Condition or Quit.)

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

- The conduct Landlord alleges does not violate any term or my lease agreement.
- I fixed (or "cured") alleged violation of my lease agreement within five days after Landlord's notice to me.
- Landlord's notices did not comply with Nevada law because the Notice to Perform Lease Condition or Quit did not specifically identify the relevant lease provisions, the alleged violations, and what I needed to do to save the lease.
- Other defense. (Explain below.)

QUESTION 6: "NO CAUSE"

(Complete this question ONLY if you received a Seven-Day or Thirty-Day "No Cause" Notice to Quit.)

I received a seven-day or thirty-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.)*

- My lease agreement has not expired and will not expire until *(insert date)* _____.
- My lease agreement has expired, but Landlord renewed my tenancy by accepting rent for a new rental period and/or entering into a new lease agreement.
- I received a thirty-day notice to quit and am 60 years of age or older or have a physical or mental disability. I gave Landlord a written request (along with proof of age or disability) on *(insert date)* _____ or Landlord *(check one)* approved my request on *(insert date)* _____ or rejected my request,* or has not responded to my request.
- Landlord's notices did not comply with Nevada law because 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).

Other defense. (Explain below.)

*If Landlord rejected your written request, NRS 40.251(4) allows you to request the court to grant an additional 30 days.

QUESTION 7: TENANT-AT-WILL

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

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 the 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.)*

Other defense. (Explain below.)

TENANT: COMPLETE THE REMAINDER OF THIS FORM. CHECK ALL BOXES THAT APPLY TO YOU, DATE, PRINT YOUR NAME, AND SIGN.

- 8. This action is brought in violation of the Federal Fair Housing Act or Nevada laws forbidding discrimination in housing. (Explain below).
- 9. This action is brought in violation of NRS 118A.510, which prohibits a landlord from terminating a tenancy in retaliation for a tenant having engaged in certain protected acts. (Explain below).
- 10. I am a tenant on property that has been foreclosed upon and sold. The new owner *(check all that apply)*:
 - Failed to serve me with the notice of change of ownership required by NRS 40.255(2);
 - Is violating NRS 40.255 by failing or refusing to grant me an additional 60 days on the property;
 - Is attempting to use the summary eviction procedure in violation of NRS 40.255(1), which requires the new owner to use the formal unlawful detainer procedure under NRS 40.290 to 40.420.
- 11. Landlord's notice to me did not comply with Nevada law because:
 - 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 the 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.

THEREFORE, I request that Landlord take nothing requested in Landlord's Affidavit/Complaint, or, alternatively, for a delay in the issuance of an order for eviction. *I understand that as long as the filing of this affidavit is timely, I will receive notice of any hearing.*

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

Signature

Date

Print Name

THIS SECTION IS FOR COURT USE ONLY.

NOTICE OF HEARING

**This matter is for a hearing on the ___ day of _____, 20____, at _____ .M.
in the VIRGINIA TOWNSHIP JUSTICE COURT located at 800 South C Street, Virginia City NV 89440. 775-847-0962**

Clerk's initials

- _____ Copy of Affidavit/Notice of Hearing given to Landlord at the Court counter
- _____ Copy of Affidavit/Notice of Hearing given to Tenant at the Court counter.
- _____ Copy of Affidavit/Notice of Hearing mailed to Landlord via USPS electronic transmission.
- _____ Copy of Affidavit/Notice of Hearing mailed to Tenant(s) via USPS electronic transmission.
- _____ Landlord notified by telephone of hearing date/time.
- _____ Tenant(s) notified by telephone of hearing date/time.