

**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 REGARDING
NONPAYMENT OF RENT**

Tenant, appearing in proper person, contests this matter pursuant to NRS 40.253, 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.

Home Means Nevada is no longer assigning cases to mediation. The funding to pay for mediations in the Rental Eviction Mediation Program expired on December 31, 2022.

3. I DO NOT DO request to mediate this issue. This request is only for residential tenants. (Answer the following questions if you request mediation.)

— a. I prefer (check one box) an in-person mediation a telephonic mediation a video-conference mediation.

— b. The following tenants would participate in the mediation: (Check all that apply.) myself other tenant(s) named: (Write the names of all the tenants who plan to be at the mediation.)

— c. A mediator may contact me/the tenants at the following:

— i. The best phone number for the mediator to reach participants is: _____

— ii. The best email for the mediator to reach participants is: _____

— iii. Address: rental property address or

— other _____

— iv. I require an interpreter in the following language: Spanish Other: _____

4. I received a notice stating that I owe rent. I assert the following defenses to the notice: (Check all that apply.)

a. I have a pending application for rental assistance with (State the name of the entity where you applied.)

b. Landlord refused to participate in my application process for rental assistance.

c. I was granted rental assistance, but the Landlord refused to accept rental assistance on my behalf.

d. I paid my rent in full.

e. I presented payment of my rent in full, but Landlord refused to accept it.

- f. Landlord accepted partial payment of my rent.
- g. The amount Landlord is demanding in the notice includes costs or fees that are not periodic rent or late fees.
- h. Landlord is charging an unreasonable late fee, or a late fee that exceeds 5% of the amount of the periodic rent.
- i. *(To raise this defense, you must deposit your rent into the court's rent escrow account.)* I gave Landlord written notice describing Landlord's failure to maintain my rental unit in a habitable condition. Landlord did not fix, or make a reasonable effort to fix, the habitability problem within 14 days after my notice. Therefore, I am withholding payment of rent.
- j. *(To raise this defense, your rent must have been current at the time you gave written notice to Landlord.)* I gave Landlord written notice of an "essential services" problem at my rental unit (heat, air conditioning, running or hot water, electricity, gas, a working door lock, or other essential item or service). Landlord did not fix, or make a reasonable effort to fix, the problem within 48 hours after my notice. Therefore, I am withholding payment of rent.
- k. I corrected a habitability problem at my rental unit and am deducting the cost from my rent after giving Landlord an itemized statement. I gave Landlord written notice of the habitability problem and stated my intention to repair. Landlord did not fix the problem within 14 days after my notice.
- l. Landlord's notice to me did not comply with Nevada law because it:
- Was not served on me as required by NRS 40.280;
 - Did not identify the court that has jurisdiction over the case;
 - Did not notify me of my right to contest this matter by filing an affidavit with the court;
 - Did not notify me that the court may issue a summary order for my removal 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, and that the sheriff shall remove the tenant not earlier than 24 hours but not later than 36 hours after the posting of that order;
 - Did not notify me of my right to seek expedited relief if Landlord unlawfully removes or excludes me from the premises or interrupts an essential service;
 - Did not advise me of the availability of rental assistance; my right to assert an affirmative defense if I have a pending application for rental assistance or if my landlord has refused to participate or accept rental assistance, and my right to a stay if I assert that defense; my right to file a claim for wrongful eviction if my landlord tries to evict me after receiving rental assistance for any reason that existed during the period of default; or my right to a stay for mediation.
- m. Landlord is discriminating against me in violation of the Federal Fair Housing Act and/or Nevada laws.
- n. Landlord is retaliating against me for having engaged in certain protected acts, and Landlord is in violation of NRS 118A.510.
- o. I am a tenant on property that has been foreclosed upon and sold. The new owner:
- 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.

Other defense (*explain below*)

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

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 ~~mediation and/or~~ hearing by email and/or regular U.S. Mail.

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

**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 (Writs 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.

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Storey County is an equal opportunity provider and employer.