

**FIVE-DAY NOTICE TO QUIT FOR TENANCY-AT-WILL
NRS 40.251(1)(3)**

<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 your tenancy-at-will is hereby terminated, and you are required to vacate the premises within five (5) judicial¹ days 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 or constable 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 hour but not later than 36 hours after the posting of the order.

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

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

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

You must attach a copy of the Notice. Check one:

- Non-Payment of Rent No Cause Notice Other: _____
 Breach of Contract Nuisance/Waste Notice

On *(insert date of service)* _____, the landlord or landlord's agent caused to be served this notice in the following manner (check only one):

By delivering a copy to the tenant(s) personally, in the presence of a witness *(server, witness, and tenant must all sign landlord's copy of notice)*.

I attempted personal service in the presence of a witness who signed below, but the tenant(s) was absent from the tenant's place of residence or business or I found the tenant, but the tenant would not sign, so I left a copy with _____ (name), a person of suitable age and discretion and mailed¹ a copy to tenant.

I attempted personal and substituted service above in the presence of a witness who signed below, but because I could not find the tenant at tenant's place of residence or business and could not find a person of suitable age or discretion, I posted a copy in a conspicuous place on the property on the _____ (e.g., front door, etc.) and mailed¹ a copy to the tenant(s).

Because tenant's place of residence or business could not be ascertained, or a person of suitable age or discretion could not be found there, by posting a copy in a conspicuous place on the property, delivering a copy to a person there residing, if the person could be found, AND mailing¹ a copy to the tenant(s) at the place where the property is situated.

_____ <i>(Date)</i>	_____ <i>(Tenant's name - printed)</i>	_____ <i>(Tenant's Signature)</i>
_____ <i>(Date)</i>	_____ <i>(Witness' name - printed)</i>	_____ <i>(Witness' Signature)</i>

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

_____ <i>(Date)</i>	_____ <i>(Type or Print Server's Name)</i>	_____ <i>(Server's Signature)</i>
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¹When notice is mailed, you must file with the court a confirmation of delivery or "certificate of mailing" issued by the US Post Office or confirmation of actual delivery by a private postal service. When computing the time, you cannot include non-judicial days and you must add an additional three (3) calendar days for mailing [JCRC 6(a)]. Judicial days do not include the date of service, Saturdays, Sundays, and certain holidays.

**IF THE TENANT DOES NOT VACATE,
YOU MUST SERVE THE TENANT WITH A:
FIVE-DAY NOTICE TO QUIT FOR UNLAWFUL DETAINER**

FIVE-DAY NOTICE TO QUIT FOR UNLAWFUL DETAINER (NRS 40.254)

<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 are hereby required to vacate the premises within five (5) judicial days¹ following the Date of Service of this notice. If posted and mailed, you are allowed (3) additional judicial days¹. Your failure to vacate the premises may result in your landlord applying to the justice court for an eviction order. 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.

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.

YOU ARE HEREBY ADVISED OF YOUR RIGHT TO CONTEST THIS NOTICE by filing an Affidavit (or Answer) no later than noon on the fifth judicial day¹ following the Date of Service of this notice with the Virginia Township Justice Court stating that you are not guilty of an unlawful detainer. The Virginia Township Justice Court is located at 26 South B Street, Second Floor, Virginia City, Nevada. You may obtain forms at the court clerk's office, and at www.storeycounty.org

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

DECLARATION OF SERVICE

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

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

You must attach a copy of the Notice. Check one:

- Non-Payment of Rent No Cause Notice Other: _____
 Breach of Contract Nuisance/Waste Notice

On *(insert date of service)* _____, the landlord or landlord's agent caused to be served this notice in the following manner (check only one):

- By delivering a copy to the tenant(s) personally, in the presence of a witness *(server, witness, and tenant must all sign landlord's copy of notice)*.
- I attempted personal service in the presence of a witness who signed below, but the tenant(s) was absent from the tenant's place of residence or business or I found the tenant, but the tenant would not sign, so I left a copy with _____ (name), a person of suitable age and discretion and mailed¹ a copy to tenant.
- I attempted personal and substituted service above in the presence of a witness who signed below, but because I could not find the tenant at tenant's place of residence or business and could not find a person of suitable age or discretion, I posted a copy in a conspicuous place on the property on the _____ (e.g., front door, etc.) and mailed¹ a copy to the tenant(s).

Because tenant's place of residence or business could not be ascertained, or a person of suitable age or discretion could not be found there, by posting a copy in a conspicuous place on the property, delivering a copy to a person there residing, if the person could be found, AND mailing¹ a copy to the tenant(s) at the place where the property is situated.

_____ <i>(Date)</i>	_____ <i>(Tenant's name - printed)</i>	_____ <i>(Tenant's Signature)</i>
_____ <i>(Date)</i>	_____ <i>(Witness' name - printed)</i>	_____ <i>(Witness' Signature)</i>

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

_____ <i>(Date)</i>	_____ <i>(Type or Print Server's Name)</i>	_____ <i>(Server's Signature)</i>
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¹When notice is mailed, you must file with the court a confirmation of delivery or "certificate of mailing" issued by the US Post Office or confirmation of actual delivery by a private postal service. When computing the time, you cannot include non-judicial days and you must add an additional three (3) calendar days for mailing [JCRCP 6(a)]. Judicial days do not include the date of service, Saturdays, Sundays, and certain holidays.

**IF THE TIME TO FILE AN ANSWER TO THE
FIVE-DAY NOTICE FOR UNLAWFUL DETAINER
HAS EXPIRED AND THE TENANT HAS NOT VACATED THE
PREMISES, AND YOU STILL WANT THE TENANT TO VACATE,
YOU MUST FILE 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/DBA: Address: City, State, ZIP:
Agent's Name Address: City, State, ZIP:
Plaintiff/Landlord
Versus
Name: Address: City, State, ZIP:
Defendant/Tenant

Case No. _____

COMPLAINT FOR SUMMARY EVICTION

COMES NOW, the undersigned and states as follows:

1. I am (*check one*) the Landlord Landlord's duly-appointed agent, at the premises located at: _____ situated within Virginia Township, Storey County, Nevada.
2. The tenancy commenced on _____.
The amount of periodic rent is \$_____ per _____.
3. Tenant's rent deposit: \$_____. Security deposit: \$_____. Cleaning deposit: \$_____.
4. Rent (*check one*) is current became delinquent on _____, and the Tenant has remained in possession without payment of rent since that date. The amount of rent claimed due and delinquent, if any, is \$_____.
5. The Tenant (*if not applicable, mark "N/A"*) N/A has not complied with the conditions and covenants of the rental agreement or with the obligations of the Tenant as enumerated in Chapter 118A of the NRS as follows: _____.
6. On the _____ day of _____, 20____, a written Notice to the Tenant was served on the Tenant in accordance with NRS 40.280, a copy of the Notice with the Proof of Service is attached to this Complaint.
7. The Tenant (*check one*) Did Did Not sign a written rental agreement. If the tenant signed a written rental agreement, a copy of the Notice is attached to this Complaint.
8. Affiant requests that the Court enter an Order for Summary Eviction of the Tenant.

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

(Signature): _____ (Date): _____

(Type or 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.

Virginia Township Justice Court
26 South B Street, Second Floor
P.O. Box 674
Virginia City, Nevada
Phone: 775-847-0962
Facsimile: 775-847-0915

Storey County is an equal opportunity provider and employer.