

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

<i>Name of Landlord/Plaintiff</i>
<i>Address:</i> <i>City, State, ZIP:</i>
Versus
<i>Name of Tenant(s) or Occupant(s)/Defendant(s)</i>
<i>Address:</i> <i>City, State, ZIP:</i>
<i>Tenant's/Occupant's Telephone Number: (required)</i>

Case No. _____

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

COMES NOW, the undersigned Tenant and states that:

1. I am the (check one box) Tenant Occupant of rental until located at: *(Insert complete address of rental including city, state, and zip code.)* _____

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

(Complete Section 3 if you are being evicted for nonpayment of rent.)

3. I received a seven-day notice alleging that I owe rent. I disagree with this notice for the following reasons (check all that apply):

I paid my rent in full (explain): _____

Check if attaching continuation sheet

I offered to pay the rent, but the Landlord refused to accept it (explain): _____

Check if attaching continuation sheet

My Landlord accepted partial payment of the rent (explain): _____

Check if attaching continuation sheet

I am withholding payment of the rent because Landlord has failed to supply, or make a good faith effort to restore certain essential services (heat, air conditioning, running or hot water, electricity, gas, a functioning door lock, or another essential item or service) within 48 hours after I gave Landlord written notice of the problem (explain): _____

Check if attaching continuation sheet

I am withholding payment of the rent because Landlord failed to maintain my dwelling unit in a habitable condition and failed to remedy, or make a good faith effort to remedy, the problems within 14 days after I gave Landlord a written notice describing the problems¹ (explain): _____

¹To raise this defense in court, you must first deposit your rent into the Court's rent escrow account maintained by the Justice Court Clerk's Office

Check if attaching continuation sheet

I am entitled to withhold my rent because I have made repairs to the rental until and deducted the cost of the repairs from my rent after the Landlord failed to remedy the problems within 14 days after I gave Landlord

written notice describing the problem (explain): _____

_____ Check if attaching continuation sheet

- Landlord's seven-day notice to me did not comply with Nevada law because it (check all that apply)
- Was not served on me as required by NRS 40.280;
 - Did not identify the court that has jurisdiction over this 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 or constable to remove me within 24 hours;
 - 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.
- Other defense (explain) _____

_____ Check if attaching continuation sheet

I am in default in the payment of the rent but wish to request _____ days (select up to 10 days) to move from the rental (explain) _____

_____ Check if attaching continuation sheet

(Complete Section 4 ONLY if you received a Three-Day Notice to Quit for Nuisance.)

4. I received a three-day notice pursuant to NRS 40.2514. I disagree with this notice for the following reasons (check all that apply):
- The notice alleges that I committed a "nuisance," but the acts described in the notice do not meet the definition of nuisance² (explain): _____

_____ Check if attaching continuation sheet

- I deny the allegations made in the notice (explain): _____
- _____ Check if attaching continuation sheet

- 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;

²NRS 20.2514(4) defines "nuisance" as "conduct or an ongoing condition which constitutes an unreasonable obstruction to the free use of property and causes injury to other tenants or occupants if that property or adjacent building or structures" or violation of the controlled substance laws in NRS 453.011 to 453.552.

- 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;
- Other defense (explain) _____
- _____ Check if attaching continuation sheet

(Complete Section 5 ONLY if you received a Five-Day Notice to Perform Lease Condition or Quit.)

5. 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):
- I did not violate my lease agreement (explain): _____

_____ Check if attaching continuation sheet

- I have fixed (or "cured") the alleged violation of my lease agreement within three days of Landlord's notice to me (explain): _____

_____ Check if attaching continuation sheet

Landlord's notices 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 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; did not identify the court that has jurisdiction over this case;
- 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 mater by filing an affidavit with the court.

Other defense (explain) _____

_____ Check if attaching continuation sheet

(Complete Section 6 if you are being evicted based on a Seven or Thirty-Day "No Cause" Notice.)

6. I received a seven-day or thirty-day notice directing me to vacate my rental premises. I disagree with this notice for the following reasons (check all that apply):

- 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 (explain): _____

_____ Check if attaching continuation sheet

I received a thirty-day notice to quit and am 60 years of age or older or have a physical or mental disability, and I submitted a written request to Landlord (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 OR
- Has not responded to my request.

Landlord's notices 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 thirty-day notice did not notify me of my right to request to be allowed in possession for an additional thirty 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 mater by filing an affidavit with the court.

Other defense (explain) _____

_____ Check if attaching continuation sheet

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

7. This action is brought in violation of the Federal Fair Housing Act or Nevada laws forbidding discrimination in housing (explain): _____

_____ Check if attaching continuation sheet

8. This action is brought in violation of NRS 118A.510 which prohibits a Landlord from terminating a tenancy in retaliation for a tenant/occupant having engaged in specific acts (explain): _____

_____ Check if attaching continuation sheet

9. I am a (check one) Tenant Occupant on residential property that has been sold upon foreclosure. The new owner (check all that apply):

- Failed to serve me with a notice of change of ownership required by NRS 40.255(2):
- Is violating the Federal Protection Tenants of Foreclosure Act (Public Law 111.22) and NRS 40.255 by failing or refusing to grant me an additional 90 days on the property or the term of my lease;
- 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.

10. Pursuant to NRS 70.010 and JCRCP 110, I ask the Court to delay ("stay") enforcement of any summary eviction order for (insert number of days, up to 10) _____ days for the following reasons (explain): _____

_____ Check if attaching continuation sheet

WHEREFORE, I request that Landlord take nothing requested in Landlord's Complaint.

Per NRS 53.045, "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

Verification

Under the penalties of perjury, I declare that I am the Defendant/Tenant in the above-entitled action, having read the foregoing document and am competent to testify that the contents are true of my own knowledge, except as to those matters stated therein on information and belief, and, as to those matters I believe them to be true.

Signature

Date

Type or Print Name

Certificate of Mailing/Service

I HEREBY CERTIFY THAT on the *(insert date answer was served)* _____ day of _____, 20_____, I served the foregoing TENANT'S ANSWER IN OPPOSITION TO SUMMARY EVICTION pursuant to JCRCP 5(b), by the following method (check box):

Depositing a copy of the same in the United States Mail in _____, Nevada, postage prepaid, to the address listed below.

OR

- Delivering, via hand delivery, a copy of the same to the address listed below and leaving it
- With Landlord (only if Landlord has no attorney)
 - With Landlord's attorney or
 - At the office of Landlord (only if Landlord has no attorney)
 - Landlord's attorney with a person in charge or in a conspicuous place, or
 - At the Landlord's dwelling house (only if Landlord has no attorney) with a person of suitable age or discretion residing therein.

(On lines below insert name and mailing address of person served, as applicable. Landlord, Landlord's attorney, or person of suitable age and discretion, as applicable.)

Name of person served

Street Address *City* *State* *Zip Code*

Per NRS 53.045, 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