

GENERAL INSTRUCTIONS FOR SMALL CLAIMS

Our forms are designed to address the most common claims. They are not designed for a specific case. Neither the judge nor staff is allowed to give legal advice or assist in completing the forms. If you need more detailed assistance, you should consult an attorney. The forms are available at our office, located at 26 South B Street, Second Floor, Virginia City, Nevada, or on our county's website at storeycounty.org

In order to file a case in the Justice Court of Virginia Township, the Defendant (the person you are filing the case against) must:

Reside, work, or do business in Storey County at the time the cause of action arose or at the time the complaint is filed.

If the case involves injury to person or property, the case must be filed in the township where the injury was committed. *(The Virginia Township Justice Court serves the entire county.)*

In a case involving a person who has contracted to perform an obligation at, or relating to, a particular place, the case must be filed in the township in which the obligation is or was to be performed. *(The Virginia Township Justice Court serves the entire county.)*

A party cannot sue in Small Claims court for more than \$10,000.00, excluding interest and costs.

While attorneys are allowed to appear on behalf of the parties in small claims proceedings, with very few exceptions, attorney fees may not be awarded by the court.

FILING A SMALL CLAIMS CASE
IN THE VIRGINIA TOWNSHIP JUSTICE COURT

If you are the one filing the case, you are the PLAINTIFF. The person you are filing against is the DEFENDANT.

DEMAND LETTER

Before filing a Small Claims case with our court, you must first serve a Demand Letter with return receipt requested to the Defendant. The Demand Letter must notify the defendant that the Plaintiff will file a Small Claims case against the defendant if he/she doesn't pay the amount due within 10 days of the date that the letter is sent.

Wait at least 10 days from the date the Demand Letter is sent before filing a Small Claims case against the defendant.

FILING THE SMALL CLAIMS AFFIDAVIT OF COMPLAINT WITH THE COURT

When filing a Small Claims Affidavit of Complaint with our court, the complete name and address of the parties must be in the caption to ensure service on the defendant. If there is more than one defendant, or they reside at different addresses, all names and addresses must be included.

The following documents must be filed with our court when filing a Small Claims case:

1. Small Claims Affidavit of Complaint;
2. Copy of Demand Letter along with the signed return receipt (as proof of mailing);
3. Personal Information Affirmation;
4. Civil Cover Sheet

It's important to prepare at least two copies of the above documents to our court. You will be charged a fee for any copies prepared by the clerk.

Be prepared to pay a filing fee. Our filing fees are posted in our office and on our website at storeycounty.org.

HEARING DATE SET

The clerk will set a hearing date. The date will be approximately 30 days, but no later than 90 days, after filing.

When filing your complaint with our court, the clerk will return the Proof of Service form to you. It's your responsibility to have the Small Claims Affidavit of Complaint promptly served on the defendant. Service can be accomplished by a licensed private process server, a disinterested third party, or the sheriff. One party may not personally serve the other party.

The completed Proof of Service form must be filed with our court. It's your responsibility to make sure our court receives the Proof of Service. If the judge is not satisfied that the defendant was properly served, your case could be continued or even dismissed.

What happens next?

You must show up for your scheduled hearing. If the defendant does not show up, you still need to be present at the hearing to state your case. The judge may issue a Default Judgment. If you, the Plaintiff, do not show up, the case will be dismissed.

The defendant may choose to reply to your complaint. This could be in the way of a MOTION TO DISMISS or even a COUNTERCLAIM. The counterclaim will become part of the same case.

PREPARE FOR THE HEARING

Small Claims hearings are informal and are designed to promote fair and speedy justice. Parties may offer documents, pictures, statements, etc., and witnesses to support their arguments.

Documents, photographs and videos: If you plan to refer to documents, photographs, or video at the hearing, you must have one set for you, the other party, and the court. You must make copies of text messages or emails. Contact the court prior to the hearing date to ensure that your video format will operate with our system.

Witnesses: Subpoena forms are available on our website or at our office. A court clerk will sign the subpoena once you have filled it out. You must arrange to have the original subpoena served on your witness. Keep at least one copy of the subpoena. On one of the copies, the declaration must be filled out by the person who served the subpoena on the witness. After the declaration has been completed, file the subpoena and declaration with our Court.

At the close of the hearing, the judge will make a decision. You will receive a copy. You have the right to appeal the decision to the First Judicial District Court. You must file your appeal within five (5) court business days of the entry of judgment.

From:

Name

Street Address

City State Zip Code
()

Telephone

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Date: _____

To: _____
Name

Address: _____
Street City State Zip Code

THIS LETTER IS A DEMAND FOR PAYMENT IN THE AMOUNT OF \$ _____

I believe I am owed this amount as a result of the following facts and circumstances:

You are hereby informed that you have ten (10) days from the date of this letter to pay the demanded amount or to make a satisfactory arrangement with me to fully resolve this matter. In the event this matter is not resolved to my satisfaction, then it is my intent to file a Small Claims action in the Virginia Township Justice Court where I will also request that you pay the costs of suit associated with having the matter heard by the court. Please guide yourself accordingly.

Sincerely,

Signature

Date

**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 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 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.

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

<i>Name of Plaintiff</i>
Versus
<i>Name of Defendant</i>

Case No. _____

AFFIRMATION (NRS 239B.030/603A.040)
Initial Appearance

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) _____

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

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

Name and Address of Plaintiff(s)
Plaintiff Phone:
Plaintiff Email:
Versus
Name of and Address of Defendant(s):
Def. Phone:

Case No. _____

**SMALL CLAIMS AFFIDAVIT OF COMPLAINT
AND ORDER**

STATE OF NEVADA)
COUNTY OF STOREY)

I (insert your name) _____ being first duly sworn, deposes and says:
That the defendant is indebted to the plaintiff in the sum of \$ _____; that the reason for this indebtedness is:

_____;

that this affiant has demanded payment of the sum; that the defendant refuses to pay the same. This action shall be tried in the Virginia Township Justice Court, State of Nevada, because the defendant resides, does business in, or is employed in Storey County at the time of the filing of this complaint, or was so when the cause of action arose; or in cases involving injury to the person or property, Storey County is the location where the injury occurred; or in cases involving a contract to perform an obligation, where the obligation is or was to be performed. I reside or receive mail at the above address.

Subscribed and sworn to before me this ____ day of _____, 20 ____

Justice of the Peace, Court Clerk, or Notary

Signature of Plaintiff (Affiant)

SUMMONS AND ORDER TO APPEAR

NOTICE: YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR PRESENCE UNLESS YOU APPEAR ON THE FOLLOWING DATE. You are hereby ORDERED to appear for trial on the Plaintiff's claim at the Virginia Township Justice Court located at 26 South Street, Second Floor, Virginia City, NV 89440

ON _____, 20____, AT THE HOUR OF _____

You must arrive 30 minutes before your trial time to check in with the clerk. You are further notified that in the event you do not appear, Default Judgment can be entered against you in the amount claimed due by the Plaintiff which can result in the garnishment of wages and seizure of property. BRING WITH YOU ALL WITNESSES, AN ORIGINAL AND 2 COPIES OF ANY EVIDENCE, INCLUDING RECEIPTS OR BOOKS THAT ARE NECESSARY TO PROVE YOUR CASE.

BY: _____
Deputy Clerk

PROOF OF SERVICE

Case No. _____

The undersigned declares:

1. At the time of the service of the papers herein referred to, I was over the age of eighteen years and not a party to this action;
2. I served the Affidavit of Complaint and Order in this action by delivering to and leaving with the persons hereinafter named, a copy, at the address and on the date set forth opposite each name below, in Storey County, Nevada.

Name of Person Served	Address Where Served	Date of Service

3. The party served was the DEFENDANT named on the Affidavit of Complaint and Order.
4. The party served was (relationship to Defendant) _____

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

Signature of person making declaration

Agency Name

Agency License Number

INFORMATION FOR DEFENDANT IN SMALL CLAIMS ACTIONS

1. **NONAPPEARANCE:** You have been served an order of the Court to appear for trial in a Small Claims case in the Virginia Township Justice Court. If you do not wish to contest the Plaintiff's claim you may a) Make an out-of-court settlement with the Plaintiff before the court date, or b) Make no appearance at the time in which case the Plaintiff may be given a judgment by default for the amount claimed, plus costs.

2. **10 DAYS NOTICE:** You are entitled to be served with the Complaint and Order at least 10 days before the trial date. If you are served less than 10 days before trial, you may 1) Appear in court and request a continuance, or b) Appear in court, waive your statutory right to such service, and proceed with the trial.

3. **DEFENSES:** If you wish to contest the claim against you, you may file a Motion to Dismiss. There is no guarantee that the motion will be set for hearing. A Judge can make a decision without calling the parties for a hearing. If the case is not dismissed on the motion, you must appear on the date set for trial with 2 copies of your documents, pictures, statements, etc., that you plan to present at the hearing, this includes electronic evidence.

4. **COUNTERCLAIMS:** If you believe either a) The Plaintiff owes you more money than you owe Plaintiff or b) Plaintiff's claim should be reduced by a sum Plaintiff owes you, you must file a counterclaim. The Plaintiff will be entitled to 10 days' notice of your counterclaim.

5. **SUBPOENA:** Forms are available on our website or at our office. A court clerk will sign the subpoena once you have filled it out. You must arrange to have the original subpoena served on your witness. Keep at least one copy of the subpoena. On one of the copies, the declaration must be filled out by the person who served the subpoena on the witness. After the declaration has been completed, file the subpoena and declaration with the Court.

6. **PAYMENT:** If the Plaintiff recovers a judgment against you, the Plaintiff is entitled to immediate payment of the full amount of the judgment which may include court costs. When the judgment has been paid in full, Plaintiff must advise the court that the judgment has been fully satisfied.

7. **APPEAL:** If you are dissatisfied with the judgment, you may appeal the court's decision within 5 days after the date of entry of the judgment. The party appealing is required to post a cash bond. The court does not provide forms or assistance in filing your appeal. If you need legal advice or help in filing your appeal, you should consult an attorney.

Dress appropriately for Court. Shoes and shirts are required. Court is not a suitable place for small children.

Forms are available at our office or on our website. Go to <http://www.storeycounty.org/justice/Forms.asp>