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

Name: _____
Address: _____
Phone: _____

Case No.
Dept. No.

Landlord/Plaintiff,

vs.

Name: _____
Address: _____
Phone: _____

Tenant/Defendant.

**TENANT'S AFFIDAVIT/DECLARATION IN OPPOSITION TO SUMMARY
EVICTION
(Non-Payment Eviction)**

The undersigned tenant, appearing in proper person, states that:

1. I am the tenant of the dwelling unit located at *(insert address)*
_____.

2. I rented the above unit from Landlord on or about _____ *(date)* with
rent due monthly or for a shorter period of time.

3. My rent is *(check one)* is / is not subsidized by a public housing authority
or governmental agency. If so, please indicate how it is subsidized:

1 4. My (*check one*) monthly / weekly rental amount is \$_____.

2 5. I am not in default in the payment of rent because of the below checked items.

3 CHECK ONLY THOSE SECTIONS THAT APPLY:

4 I did not get the required seven-day notice period required by statute.

5 Landlord's seven-day notice did not comply with Nevada law because it:

6 Was not served on me as required by NRS 40.280;

7 Did not identify the court that has jurisdiction over this case;

8 Did not notify me of my right to contest this matter by filing an affidavit
9 with the court;

10 Did not notify me that the court may issue a summary order for my removal
11 directing the sheriff or constable to post the order in a conspicuous place on the premises not later
12 than 24 hours after the order is received by the sheriff, and the sheriff or constable shall remove
13 the tenant not earlier than 24 hours but not later than 36 hours after the posting of the order;

14 Did not notify me of my right to seek expedited relief if Landlord
15 unlawfully removes or excludes me from the premises or interrupts an essential service.

16 The amount listed as rent owed is not correct and/or includes costs or fees that are
17 not periodic rent or reasonable late fees. The amount I actually owe in rent is \$_____.

18 I paid my rent in full in the amount of \$_____ to Landlord on _____ (*date*)
19 by: check / money order / cash / other: _____.

20 I attempted to pay rent but Landlord refused to accept it. Explain:

21

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23 I have made other arrangements with Landlord for the payment of rent. These
24 arrangements are (*explain*): _____.

25 I entered into a payment agreement with Landlord to pay the past due rent and I
26 am not in breach of the agreement.

27 Landlord has an FHA insured mortgage and cannot evict me because HUD has
28 instituted a moratorium on evictions from home with FHA mortgage loans.

1 I am withholding the payment of rent due to Landlord's failure to restore my
2 unit to a habitable condition or make a good faith effort to do so within 14 days OR essential
3 services or items (water, hot water, heat, electricity, etc.) or make a good faith effort to do so
4 within 48 hours following a written notice which I delivered to or Landlord received from a
5 governmental agency on _____ (date) pursuant to NRS 118A.355(1), NRS 118A.360 because
6 I made the repairs myself, or NRS 118A.380(1) because it is an essential service or item.

7 I am claiming a set-off against any rent owed because Landlord:
8 owes me damages for an intentional failure to supply essential services (water,
9 hot water, electricity, etc.) under NRS 118A390 or for violations of the lease agreement pursuant
10 to NRS 118A.350.

11 failed to maintain the rental unit in a habitable condition and the value of my
12 unit has diminished due to the unlivability/inhabitability of my rental unit. Explain: _____

13 _____
14 is discriminating against me in violation of the Federal Fair Housing Act and
15 Nevada law and/or retaliating against me for having engaged in certain protected acts in violation
16 of NRS 118A.510.

17 6. Explain any of the defenses above or other legal defense to the failure to pay rent:
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26 WHEREFORE, the Tenant/Defendant prays for hearing in this court pursuant to NRS
27 Chapter 40, and that this matter be dismissed at the hearing because I have raised a legal defense
28 to the alleged unlawful detainer.

1 **Request for a Stay.** In the alternative, if the court concludes that I have not raised
2 a legal defense at the hearing scheduled in this matter pursuant to this affidavit/declaration, I
3 request a stay of execution under the authority of NRS 70.010(2) of 10 days in order to move. I
4 need the additional time because

5
6 **Declaration pursuant to NRS 53.045:** I declare under the penalty of perjury under the
7 law of the State of Nevada that the foregoing is true and correct.

8 **Affirmation pursuant to NRS 239B.030:** The undersigned does hereby affirm that the
9 preceding document does not contain the social security number of any person.

10 DATED: _____

11
12 _____
13 Tenant/Defendant Signature

14 _____
15 Printed Name

16 **CERTIFICATE OF MAILING**

17 I hereby certify that on _____ (*date*) I served the foregoing TENANT'S
18 DECLARATION IN OPPOSITION TO SUMMARY EVICTION upon the following person(s),
19 by depositing a copy of the same in a sealed envelope in the United States Mail, postage pre-paid,
20 to the following (*insert Landlord's address*):

21 _____
22 _____
23 _____

24 DATED: _____

25
26
27 _____
28 Signed

Printed Name