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

Name: _____,	
Address: _____	
Phone: _____	
Landlord/Plaintiff,	
vs.	
Name: _____,	
Address: _____	
Phone: _____	
Tenant/Defendant.	

Case No.
Dept. No.

**TENANT’S AFFIDAVIT/DECLARATION IN OPPOSITION TO SUMMARY
EVICTION
(Three Day Notice – Nuisance)**

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

- I am the tenant of the dwelling unit located at *(insert complete address of rental unit)* _____.
- I rented the above unit from Landlord on or about _____ *(date)* with rent due monthly or for a shorter period of time.
- Landlord *(check one)* is / is not subsidized by the federal government.
- My rent is *(check one)* is / is not subsidized by a public housing authority or governmental agency.

1 5. I received / did not receive a 3-day Notice of Termination and Notice to
2 Vacate for Wrongful Assignment or Subleasing, Waste, Unlawful Business, nuisance or
3 Violations of Controlled Substances Laws NRS 40.2514 on _____ (date).

4
5 6. I received / did not receive the 5-day Notice of Unlawful Detainer NRS
6 40.254 on _____ (date).

7 7. I deny that I have suffered, permitted or maintained a nuisance and have a legal
8 defense to this eviction because: (CHECK ONLY THOSE SECTIONS THAT APPLY)

9 The Court lacks jurisdiction over this eviction action because Landlord's 3-day notice did
10 not comply with Nevada law because it:

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

12 The notice contains no specific information regarding the acts that I am supposed
13 to have committed and instead makes a general allegation that I am a nuisance
14 which does not provide me with a clear or fair opportunity to respond or remedy
15 the allegations;
16
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18 The Court lacks jurisdiction over this eviction action because Landlord's 5-day notice that
19 I was in unlawful detainer does not comply with Nevada Law because it:

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

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

22 Did not notify me of my right to contest this matter by filing an affidavit with the
23 court;
24

25 Did not notify me that the court may issue a summary order for my removal
26 directing the sheriff or constable to post the order in a conspicuous place on the
27 premises not later than 24 hours after the order is received by the sheriff, and the
28

1 sheriff or constable shall remove the tenant not earlier than 24 hours but not later
2 than 36 hours after the posting of the order;

3 Did not notify me of my right to seek a 10 day stay of execution of the eviction.
4

5 I abated the nuisance and the condition Landlord complained of no longer exists.

6 I disagree with the Landlord's 3-day notice and deny I committed or caused a nuisance
7 pursuant to NRS 40.2514 because:

8 I deny the activities described in the notice meet the legal definition of a nuisance
9 defined in NRS 40.2514. A nuisance is defined as "conduct or an ongoing
10 condition which constitutes an unreasonable obstruction to the free use of property
11 and causes injury and damage to other tenants or occupants of that property or
12 adjacent buildings or structures." NRS 40.2514 (4).
13

14 I deny that the activities in the notice occurred and therefore have a genuine dispute
15 as to the material facts of this matter. The Nevada Supreme Court has mandated
16 that, where an affidavit filed in response to a Notice of Unlawful Detainer raises a
17 legal defense to the unlawful detainer based upon unresolved issues of material
18 fact the court must dismiss the summary eviction and the landlord must attempt to
19 pursue restitution of the rental unit, if any, under NRS 40.290 to 40.420. *Anvui*
20 *LLC v. GL Dragon LLC*, 123 Nev. 213, 216 (2007).
21
22

23 The allegations in this notice are untrue and this eviction is pretext because the
24 Landlord is discriminating against me in violation of the Federal Fair Housing
25 Act and Nevada law and/or retaliating against me for having engaged in certain
26 protected acts in violation of NRS 118A.510.
27
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1 Landlord is using this eviction as pretext and unlawfully attempting to evict me in
2 violation of Directive 0025 for non-payment of rent and/or due to a
3 positive diagnosis of or Landlord believes I have symptoms of COVID-19.

4 Landlord has an FHA mortgage and cannot evict me because HUD has instituted
5 a moratorium on evictions from homes with FHA mortgage loans.
6

7 8. Explain any of the defenses above or other legal defense to the eviction:
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18 9. Pursuant to NRS 40.253(6), if an affidavit is filed in response to a Notice of
19 Unlawful Detainer, and “if the court determines that there is a legal defense as to the alleged
20 unlawful detainer, the court shall refuse to grant either party any relief, and...shall require that
21 any further proceedings be conducted pursuant to NRS 40.290 to 40.420, inclusive.”
22 Accordingly, if the affidavit raises a legal defense to the unlawful detainer, the Court is required
23 to dismiss the summary eviction.
24

25 WHEREFORE, the Tenant/Defendant prays for hearing in this court pursuant to NRS
26 Chapter 40, and that this matter be dismissed at the hearing because I have raised a legal defense
27 to the alleged unlawful detainer.
28

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

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

11 DATED: _____

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 AFFIDAVIT/DECLARATION IN OPPOSITION TO SUMMARY EVICTION by depositing a
19 copy of the same in a sealed envelope in the United States Mail, postage pre-paid, to the following:
20

21 _____
22 Landlord Name

23 _____
24 Address

25 _____
26 Address

27 DATED: _____

28 Signed: _____