

<b>JUSTICE COURT, LAS VEGAS TOWNSHIP Clark County, Nevada</b>		Case No. _____
Name and Address of Plaintiff(s)		Department No. _____
(Plaintiff's(s) Telephone Number)		<b>SMALL CLAIMS COMPLAINT FOR CASES AUTOMATICALLY EXEMPT FROM MANDATORY NJC MEDIATION</b>
(Plaintiff's(s) Email Address)		
<b>VERSUS</b>		
Name and Address of Defendant(s)		
(		[ ] NRS 97 (consumer debt /credit card)
Telephone Number of Defendant(s)		[ ] NRS 604A (payday loans collections)
		[ ] Nevada Department of Corrections cases involving inmates

STATE OF NEVADA        )  
COUNTY OF CLARK     )  
I, \_\_\_\_\_, STATE THAT Defendant(s) owes Plaintiff(s) the sum of \$ \_\_\_\_\_  
for \_\_\_\_\_

that a letter demanding payment has been sent; that Defendant(s) refuses to pay; and that Defendant(s) either currently resides, works or does business in the Las Vegas Township, County of Clark, State of Nevada.

\* \* \* \* \*

(Plaintiff's Signature): \_\_\_\_\_ (Date): \_\_\_\_\_

**You MUST have this affidavit notarized (block on the left) or sign the unsworn declaration per NRS 53.045 (block on the right):**

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20____.  NOTARY PUBLIC in and for the County of _____ State of _____	<b>OR: UNSWORN DECLARATION: Per NRS 53.045</b> "I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct." (Signature): _____ (Typed or printed name): _____ (Date): _____
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**The Plaintiff(s) must serve three (3) documents: (Small Claims Complaint for Cases Exempt From Mandatory NJC Mediation, Instructions to Plaintiff or Defendant, and Small Claims Answer), on each Defendant.**

**To the above-named DEFENDANT(S):  
A SMALL CLAIMS ACTION HAS BEEN COMMENCED AGAINST YOU!**

**YOU ARE DIRECTED TO E-FILE (electronically file), with the Las Vegas Justice Court Clerk's Office, AN ANSWER WITHIN TWENTY (20) CALENDAR DAYS from the date of service of the Complaint.** Use the attached ANSWER form. **You must mail a copy of your Answer to Plaintiff(s) immediately after E-Filing your Answer with the Las Vegas Justice Court.** Your failure to Answer (respond to) the Complaint within 20 calendar days may result in the Plaintiff(s) filing a Motion for Default Judgment against you. This means the Referee or Judge may grant a Judgment for the Plaintiff(s) based on the claims/allegations in the Complaint and without considering your possible defense(s) or explanation(s).

Pursuant to JCRCP 12(a)(3), the State of Nevada or any political subdivision thereof, and any officer, employee, board or commission member of the State of Nevada or political subdivision, and any state legislator shall file an answer or other responsive pleading within 45 days after their respective dates of service.

# INSTRUCTIONS TO PLAINTIFF OR DEFENDANT

## *Read Carefully*

1. **Before filing a Small Claims Complaint**, the PLAINTIFF must do the following:

- Send a demand letter, with return receipt requested, to the DEFENDANT. The demand letter must instruct the DEFENDANT to pay the amount due within 10 days of the date that the letter is sent, or the PLAINTIFF will file a Small Claims case against the DEFENDANT.
- Wait at least 10 days from the date the demand letter is sent before filing a Small Claims case against the DEFENDANT.
- Include a copy of the demand letter along with the signed return receipt (as proof of mailing) with the Small Claims Complaint when the Small Claims case is filed against the DEFENDANT.

**If the PLAINTIFF does not follow the steps above**, including filing a copy of the demand letter and proof of mailing, or waiting 10 days from the date the demand letter is sent before filing a Small Claims case, the Referee or Judge may dismiss the Small Claims case and/or impose another sanction.

2. The PLAINTIFF must file a Small Claims action in the township where the DEFENDANT currently resides, works, or does business.

3. The PLAINTIFF cannot sue in Small Claims court for more than \$10,000.00, excluding interest and costs. Payment by the losing party of the attorney's fees of the winning party is not allowed except in cases involving shoplifting.

4. The PLAINTIFF must show the complete name and address of the DEFENDANT in the caption (*Name & Address of Defendant(s)*) to ensure service on the DEFENDANT. If there are two DEFENDANTS and they reside at different addresses, the PLAINTIFF must include both addresses.

5. The PLAINTIFF may serve the DEFENDANT by licensed private process server, a disinterested third party, or the Constable. The PLAINTIFF, himself or herself, may not serve the Small Claims Complaint on the DEFENDANT. The fully completed Affidavit of Service Form must be filed immediately after the Complaint is served.

6. If a Small Claims Complaint is not served for one year after it is filed, the Judge or Clerk may dismiss the case without prejudice (this means the case may be refiled within the statute of limitations for such cases, but a new filing fee would be required).

7. The PLAINTIFF must pay court costs at the time of filing this Complaint. If a Plaintiff cannot afford the costs, he or she may apply for a fee waiver.

8. The DEFENDANT may electronically file the Answer, no later than 20 calendar days from the date of service of the Complaint, making any defense to the claim. The Defendant may electronically file the Answer. (\$2.50 charge using credit or debit card) at:

[www.efilenv.com](http://www.efilenv.com), or the Defendant may come to the Court and electronically file, for free, the original copy of the Answer. A copy of this Answer **must be mailed by U.S. Mail, first-class postage, to PLAINTIFF immediately after E-Filing the Answer with the Las Vegas Justice Court.**

9. If an Answer is filed, the Court will schedule the case for hearing/trial and will notify all parties of the date, time, and location by mail. If the DEFENDANT fails to appear for the scheduled hearing/trials, a judgment may be entered against the DEFENDANT.

10. Standard forms are supplied in order to expedite the handling of Small Claims cases. The forms are designed to cover the most common claims but are not specifically designed for any individual case.

11. If DEFENDANT believes the case should be dismissed, DEFENDANT may petition the Court to dismiss the case and must explain the reasons for the request. A Motion to Dismiss form is available for use. It is designed to cover the most common reasons for dismissal but is not specifically designed for any individual case.

12. Hearings in Small Claims cases are informal and are designed to promote fair and speedy justice. The PLAINTIFF and DEFENDANT may offer evidence, including witnesses, to support their arguments.

13. If English is not your first language and you would like someone to interpret for you during your court appearance, you are encouraged to use a volunteer language interpreter. You may ask a friend, relative, or coworker to come to court to interpret for you. Bringing your own interpreter with you is both effective and efficient and will allow you to better understand the proceedings.

14. If a court-appointed interpreter is needed for a party who does not speak English, or for a party with a communications disability, that party must file a written motion to request an interpreter, and the compensation for that interpreter shall be paid as provided by law.

15. A party incarcerated in a prison or jail or a party living outside Clark County may participate by telephone conference or video conference. The party must contact the Las Vegas Justice Court Clerk's Office in advance of the hearing/trial to make necessary arrangements.

**16. The Las Vegas Justice Court Clerks can neither give legal advice nor assist in completing Court forms. The staff of the Self-Help Center, located on the 1<sup>st</sup> floor of the Regional Justice Center, can assist in providing information and forms for people who are representing themselves in Court. If you need more detailed assistance, you should consult an attorney.**

Revised 10/2015

Pursuant to JCRCP 12(a)(3), the State of Nevada or any political subdivision thereof, and any officer, employee, board or commission member of the State of Nevada or political subdivision, and any state legislator shall file an answer or other responsive pleading within 45 days after their respective dates of service.

<b>JUSTICE COURT, LAS VEGAS TOWNSHIP</b> <b>Clark County, Nevada</b>	Case No. _____  Department No. _____  <p style="text-align: center;"><b>SMALL CLAIMS ANSWER</b></p> <input type="checkbox"/> NRS 97 (consumer debt/credit card) <input type="checkbox"/> NRS 604A (payday loans collections) <input type="checkbox"/> Nevada Department of Corrections cases involving inmates
Name of Plaintiff(s)  (Plaintiff(s) Telephone Number)	
<b>VERSUS</b>	
Name of Defendant(s)  (Defendant(s) Telephone Number)	

*There is no statutory filing fee for filling a Small Claims Answer. Each Defendant must file his or her own Answer and must pay any applicable E-Filing fee imposed by the Court.*

**PLEASE TYPE OR PRINT LEGIBLY.**

Defendant's Answer to the Small Claims Complaint:

1. Are you currently a resident of the Las Vegas Township?     Yes     No
2. Do you currently do business in the Las Vegas Township?     Yes     No
3. Are you currently employed within the Las Vegas Township?     Yes     No

**Please check the applicable box below.**

- I agree that I owe the amount of money claimed by the Plaintiff(s).
- I do not agree that I owe the amount of money claimed by the Plaintiff(s), for the following reasons:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Answering Defendant's Address: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Check here if you need more space. Add additional sheet(s) of paper and attach to this form with "SMALL CLAIMS ANSWER" on top.

**TO DEFENDANT: Your original Answer must be filed with the Las Vegas Justice Court Clerk's Office and a copy provided to the Plaintiff(s) within 20 calendar days of service of the Complaint.** Your failure to answer (respond to) the Complaint within 20 calendar days from service of the Complaint, may result in the Plaintiff filing a Motion for Default Judgment against you. This means the Referee or Judge may grant a Judgment for the Plaintiff based on the claims/allegations in the Complaint without considering your possible defense(s) or explanation(s).

You may electronically file your Answer. (\$2.50 charge) at: [www.efilenv.com](http://www.efilenv.com), or you may come to the Court and electronically file, for free, the original copy of your Answer at:

Justice Court Clerks' Office, Las Vegas Township  
 Regional Justice Center, 2<sup>nd</sup> Floor  
 200 Lewis Avenue, Las Vegas, NV 89155-2511

**Please check the applicable box below.**

- In conjunction with the filing of the Answer, I am mailing a copy of the Answer to the Plaintiff(s) at the following address: \_\_\_\_\_

*Both the Plaintiff(s) and Defendant(s) will be notified by mail of the date and time that the Court has scheduled this case for hearing/trial.*

**You MUST have this affidavit notarized** (block on the left) **or sign the unsworn declaration per NRS 53.045** (block on the right):

SUBSCRIBED AND SWORN to before me this  
 \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 NOTARY PUBLIC in and for the  
 County of \_\_\_\_\_, State of \_\_\_\_\_.

**OR UNSWORN DECLARATION:** 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: \_\_\_\_\_  
 (Typed or printed name): \_\_\_\_\_  
 (Date): \_\_\_\_\_

<b>JUSTICE COURT, LAS VEGAS TOWNSHIP</b> <b>Clark County, Nevada</b>	Case No. _____  Department No. _____
Name and Address of Plaintiff(s)  _____  (Plaintiff(s) Telephone Number)	<b>PROOF OF SERVICE</b> <b>(for use by Plaintiffs in</b> <b>Small Claims Cases)</b>
<b>VERSUS</b>	
Name and Address of Defendant(s)  _____  (Defendant(s) Telephone Number)	

I, (Insert name of person performing service) \_\_\_\_\_, being duly sworn or under penalty of perjury, state that at all times relevant, I was over 18 years of age and not a party to or interested in the above-captioned case; that I received a copy of the (check the name of documents you served)  Small Claims Complaint,  Instructions to Plaintiff or Defendant,  Small Claims Answer,  Other: \_\_\_\_\_, and that I served the same on Defendant (insert Defendant's name) \_\_\_\_\_ ON (insert date and time you served the documents) \_\_\_\_\_, 20\_\_\_\_, at the hour of \_\_\_\_\_.M., by (complete appropriate paragraph below):

1. **For personal service per JCRCP 4(d)(6)**: Delivering and leaving a copy with Defendant at (insert address at which you served) \_\_\_\_\_.
2. **For substitute service per JCRCP 4(d)(6)**: Delivering and leaving a copy with (insert name or physical description of person served) \_\_\_\_\_, a person of suitable age and discretion residing at Defendant's dwelling house or usual place of abode, at (insert Defendant's address) \_\_\_\_\_.
3. **For service by registered or certified mail per JCRCP 91 (if allowed)**: Depositing a copy in a mailbox of the United States Post Office, enclosed in a sealed envelope, postage prepaid, registered or certified mail, return receipt requested, addressed to Defendant at (insert Defendant's address): \_\_\_\_\_ (A copy of the signed return receipt must be attached.)
4. **For service on a business entity per JCRCP 4(d)(1) or (2)**: Delivering and leaving a copy with (insert name or physical description of person served) \_\_\_\_\_, who is Defendant's (check one)  president or other head,  secretary,  cashier,  managing agent,  resident agent, or  other (specify) \_\_\_\_\_, at (insert address at which you served) \_\_\_\_\_.

**Date:** \_\_\_\_\_ **Signature:** \_\_\_\_\_  
 Residential  Business Address of Process Server: \_\_\_\_\_ Phone: \_\_\_\_\_

**You MUST check one of the following boxes AND have this affidavit notarized (block on the left) or sign the unsworn declaration per NRS 53.045 (block on the right):**

I am a licensed process server or an employee of a licensed process server; my license or registration number is (insert license or registration number): \_\_\_\_\_.

I am not required to be licensed under Chapter 648 of the Nevada Revised Statutes or another provision of law because I am not engaged in the business of serving legal process within the State of Nevada.

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20____.  _____  NOTARY PUBLIC in and for the County of _____, State of _____.	<b>OR UNSWORN DECLARATION:</b> 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): _____
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