
Small Claims Court Community Legal Education Class

Attendee Manual

Legal Aid Center of
Southern Nevada
William S. Boyd School of Law
(Student Volunteers)

COMMUNITY LEGAL EDUCATION CLASSES

We are happy you have chosen to attend this legal education class and hope you will gain valuable information.

- This class is provided as a community service by the William S. Boyd School of Law and Legal Aid Center of Southern Nevada. The purpose of the class is to provide legal information to the public about court procedures, court rules, and Nevada law, along with tips on how to present a case in court.
- This class is taught by law students. Law students are not attorneys and cannot offer legal advice. An attorney from the William S. Boyd School of Law or Legal Aid Center of Southern Nevada (the supervising attorney) will be present during the class to assist the law students.
- Sample forms are provided to assist you with representing yourself in court. However, the court clerk where your case is filed or the judge assigned to hear your case might require changes to these forms before accepting them. A judge is not required to grant any of the relief requested in a form or discussed in this class. The result in any case will be determined by the judge based on the facts and law of that case.
- ***This class cannot take the place of a private attorney.*** We highly recommend that you consult with a private attorney before filing any documents in your case.
- This class is open to all members of the public. It is possible that both sides to a dispute might attend this class. You should not disclose any confidential personal information to the law students or the supervising attorney during class. Any confidential personal information you disclose in class is not privileged and could be discovered by another party in a lawsuit.

NOTE TO PARTICIPANTS: The William S. Boyd School of Law and Legal Aid Center of Southern Nevada will not provide you with legal advice specific to your case in this class and are not offering or agreeing to represent you in any legal matter by agreeing to your participation in this class.

DOCUMENT PREPARATION SERVICES

WHAT IS A DOCUMENT PREPARATION SERVICE?

A “document preparation service” is a person (who is not an attorney) who, for money, provides assistance to a client in a “legal matter,” including:

- Preparing or completing any pleading, application, or other document for the client,
- Translating the client's answer to a question posed in such a document,
- Securing any supporting document, such as a birth certificate, required in connection with the legal matter, or
- Submitting a completed document on behalf of the client to a court or administrative agency.

(NRS 240A.030.) A “legal matter” includes preparing documents for any will or trust; any proceeding, filing, or action affecting the immigration or citizenship status of a person; or any proceeding, filing, or action otherwise affecting the legal rights, duties, obligations, or liabilities of a person. (NRS 240A.040.)

WHAT CONSUMERS CAN EXPECT

Nevada law provides consumers who use document preparation services with some protections. A document preparation service must, among other things:

- Register with the Nevada Secretary of State and post a \$50,000 bond;
- Display its certificate of registration, business licenses, and disclosure notices at its place of business;
- Disclose specific information in writing (such as that the person serving as a document preparation service is not an attorney) before contracting with a customer or accepting a payment for service;
- Provide a contract for the services, written in the language in which the business was transacted; and
- Explain the services to be performed and fees to be charged, and provide a written receipt for each payment.

REMEMBER: Before doing business with any type of document preparation service, verify that the service is registered with the [Nevada Secretary of State](#) and that the registration is current. Check the service's disclosures. Make sure its fees are disclosed and that it provides you with a written contract in the correct language. Always read carefully before you sign!

A search function is available on the Nevada Secretary of State's website, www.nvsos.gov, to verify that a document preparation service is registered with the state.

ADDRESSING GRIEVANCES

The Nevada Secretary of State's office has a toll-free telephone number for any person to make a complaint about a document preparation service or report an alleged violation. Anyone who believes a document preparer has committed a violation is encouraged to call (800) 450-8594, option 6, or visit the Secretary of State's website at www.nvsos.gov.

If you believe a person has engaged in the unauthorized practice of law, you can file a complaint with the State Bar of Nevada, www.nvbar.org.

You also have the right to sue the document preparation service for any violation of Nevada law and to seek \$500 or twice the amount of your monetary loss, plus costs and attorney's fees.

INTRODUCTION

WHAT IS SMALL CLAIMS COURT?

Small Claims Court is a special division of Justice Court. Small Claims Court is designed to help parties who do not have attorneys resolve their disputes quickly and inexpensively. Claims in Small Claims Court must be \$10,000.00 or less, and judges can award only monetary damages. This means that judges in Small Claims Court can only order the other party to pay money. They cannot order the other party to perform an action, such as returning property or ceasing to play loud music.

Generally, parties in Small Claims Court represent themselves without an attorney. This is sometimes called “appearing *pro se*” or being “self-represented.” Attorneys are allowed in Small Claims Court. However, the winning party in a small claims case cannot collect attorney’s fees from the losing party. Therefore, a party who hires an attorney will bear the burden of paying that attorney. Because parties generally represent themselves in Small Claims Court, the procedures and rules of evidence are more relaxed than in ordinary Justice Court.

Generally, cases filed in Las Vegas will be heard by a Justice of the Peace Pro Tempore (a temporary or replacement judge), and cases heard in the other townships (Henderson or North Las Vegas) will be heard by a Justice of the Peace.

WHAT SHOULD I CONSIDER BEFORE I FILE A SMALL CLAIMS SUIT?

Rushing down to the courthouse to file a lawsuit should not be your first step. Although there are many advantages to Small Claims Court, it is not always the best solution to every problem. Even though the rules are more relaxed and the procedures are less complex, filing a small claims case will take some effort. A good deal of planning and even some legal research may be necessary. Before you file a small claims case, evaluate your answers to the following questions:

- Do I have a good case?
- Am I willing to invest the necessary time and energy?
- Am I asking for a remedy other than money?
- Is my claim for \$10,000.00 or less?
- Have I attempted to settle or mediate?
- Can I locate the party I want to sue?
- Can I prove my case?

- Has the time to file my claim expired?
- If I win, will I be able to collect?

WHERE CAN I FIND FORMS AND HELP WITH FILING MY SMALL CLAIM CASE?

To help parties in small claims cases better represent themselves, the courts have created standardized small claims forms to address most situations. These forms are available for **free** at the Civil Law Self-Help Center's website, www.civillawselfhelpcenter.org, where you can also find general information about small claims procedures and practices. You might also be able to find additional information directly from the Justice Court where you are filing your case:

- For the Las Vegas Justice Court, visit the court's website at https://www.lasvegasjusticecourt.us/divisions/civil_division/small_claims/index.php
- For the North Las Vegas Justice Court, visit the court's website at https://www.clarkcountynv.gov/government/departments/justice_courts/jurisdictions/north_las_vegas/forms.php
- For the Henderson Justice Court, visit the court's website at https://www.clarkcountynv.gov/government/departments/justice_courts/jurisdictions/henderson/divisions/small_claims/index.php

What is a statute of limitations?

A statute of limitation is a law setting a time limit on when you can file your case. If you wait to file your case until after the statute of limitations has run out, your case can be dismissed.

In Nevada, most statutes of limitations are found in NRS 11.190. Under NRS 11.190, claims for breach of a written contract must be filed within six years. Claims for the breach of an oral contract or deceptive trade practices must be filed within four years. Claims for injuries to personal property or claims for fraud must be filed within three years. Claims for injuries to a person must be filed in two years.

If you are not sure whether the time for your claim has expired, check NRS 11.190 and research the applicable statute at the law library.

The Las Vegas Justice Court has created its own small claims forms, which are different from the forms used in Henderson and North Las Vegas. Make sure you are using the correct forms for the court where your small claims case is pending.

If you need help preparing your forms and filing your small claims case, you can visit the Civil Law Self-Help Center, located at the Regional Justice Center, 200 Lewis Avenue, Las Vegas, NV 89104. The Civil Law Self-Help Center provides self-help legal information to those representing

A Word of Warning

There are businesses that will try to sell you court forms. Usually these forms are the same forms that are available for free on the court website. In other cases, these forms may be outdated or may not be accepted by the court. Before you pay for forms, check to see if they are already available for free online at the Civil Law Self-Help Center's website.

themselves in civil matters in the Clark County court system. The staff can also answer general questions about small claims procedures and practices. Keep in mind, though, that the center staff cannot provide you with legal advice. Only you or your attorney can evaluate your case and develop your legal theories and strategy.

FREE SMALL CLAIMS ASK-A-LAWYER PROGRAM

Legal Aid Center of Southern Nevada has volunteer attorneys available for people seeking legal advice with their small claims matters. This program allows for a free fifteen-minute consultation with an attorney. The consultation sessions take place on the first and third Tuesday of every month, between 10:00 a.m. to 12:00 p.m. and 1:00 p.m. to 3:00 p.m. Participants can sign up online at <https://www.signupgenius.com/go/60b0e4da5ac2da5ff2-small1#/>. Space is limited and available on a first come, first served basis.

A Word of Warning

There are paralegals and notaries who will offer to help you prepare your small claims papers and file with the court for a fee. These people are generally not attorneys, and it is illegal for them to offer you legal advice or represent you in court. Before you pay for assistance, check to see if the Self-Help Center can help you instead.

HOW DO I FILE MY SMALL CLAIMS CASE?

STEP ONE:

IDENTIFY THE RIGHT DEFENDANT(S)

Identifying and suing the right “defendant” (the person or company you are suing) is one of the most important steps in your case. You can sue more than one person for a claim about the same incident or contract. Each defendant, however, must have some independent and actual interest in the subject matter of your suit and must be somehow at least arguably responsible for the damages you have suffered.

Broadly speaking, in an action for breach of a contract, the defendant will usually be the person or business with whom you contracted. In a case alleging some type of personal injury or damage to property, the defendant will typically be the individual or business who actually caused the injury or damage. There are, however, any number of legal theories that could apply in your case that would operate to either increase or decrease the number of potential defendants. If you have any doubt about who to name as a defendant, you may need to perform some basic factual investigation and research the law applicable to your case.

Sometimes it can be tricky to locate a defendant. Using a basic internet search engine often yields helpful results. There are also government records you can search to locate a defendant. The Clark

County Assessor's office provides property records online at www.clarkcountynv.gov/government/assessor/property_search/real_property_records.php. You can use the assessor's records to discover who owns a particular piece of land. If you are suing a landlord, the assessor's office is a valuable tool because you must make sure you are suing the actual owners of the rental property.

The Clark County Recorder's office, www.clarkcountynv.gov/recorder, keeps records involving real property, marriages, divorces, deaths, and births. These records might provide an address for your defendant. Some of these records may require a fee to view them. Others are not available online in their entirety, and you will have to go to the recorder's office or Las Vegas City Hall to view them.

Court records can also be a useful way to locate a defendant. If you know a person's name, you can search the court's records to see if that person has recent traffic violations or has been named as a party in a case in one of the Justice Courts or in the District Court. Although the person's address will usually not be online, you can request copies of court records from the clerk's office, which may have an address listed.

Suing a business can be a little more complicated than suing a person. Sometimes a business is owned by an individual, and sometimes a business is owned by corporate entity. If the business is a corporation, you will generally have to name the corporation in your lawsuit. If a business is owned by an individual, you will have to name both the individual and the business (e.g., "Jane Smith d.b.a. ABC Antiques," which signifies Jane Smith "doing business as" ABC Antiques).

Make sure you have the name for a business listed correctly in your lawsuit. You might know a business as "ABC Antiques," but its legal name might actually be "Fine Antiques, Inc. d.b.a. ABC Antiques." When a business uses a name other than its own, it must file something called a "Fictitious Firm Name Certificate" with the county. To find out if a business uses a fictitious name, contact the Clark County Clerk or use the searchable database of fictitious business names at <https://clerk.clarkcountynv.gov/AcclaimWeb/Fbn/SearchTypeFbnByName>.

The Nevada Secretary of State's office has a searchable database of businesses operating in Nevada at esos.nv.gov/EntitySearch/OnlineEntitySearch. Clark County has a searchable businesses license database at www.clarkcountynv.gov/business/doing_business_with_clark_county/business_license_search.php. And the City of Las Vegas has a database at www.lasvegasnevada.gov/Business/Business-Licenses/License-Search for business license searches.

STEP TWO:

DETERMINE THE EXACT AMOUNT OF YOUR CLAIM

You must determine the exact amount of money you are seeking to recover. This may seem obvious, but in some circumstances it might not be that simple. For example, if you are basing the amount of your claim on the estimated cost to repair something, you should obtain three estimates so that the judge can determine the proper amount you should be paid. If you are basing the amount of your claim on the estimated cost to replace something, keep in mind that the judge might only consider the current value of the lost or destroyed item, and not the replacement cost, so you might need estimates for both. Some money might not be recoverable at all, such as money for time off work to go to court, parking, babysitting services, and the like.

You might be entitled to extra damages, called “statutory damages,” in some instances. Statutory damages are damages specified by a particular statute or regulation. If you are requesting statutory damages, include a copy of the statute with your other evidence. You might want to consult with an attorney or do some research at the law library to see if there is a statute that applies to your claim.

Remember that the judge can always award you less than you requested, but never more. If your claim is for more than \$10,000, you can waive the amount above \$10,000. You cannot, however, split one large claim into two smaller claims in order to file multiple cases in Small Claims Court.

STEP THREE:

SEND A DEMAND LETTER

Justice Court rules require you to ask the defendant for payment before you sue them. You must send a letter demanding payment to the defendant by **certified mail, return receipt requested**. This letter must go to each person or business you plan to sue before you can file a small claims case. You will need to provide a copy of the letter you sent and the return mail receipt to the court when you file your Complaint.

It is usually best to send a typed letter, rather than a handwritten letter. Your

Jane Doe
123 Elm Street
Las Vegas, Nevada 89000
(702) 555-5555

January 1, 2021

Owen Bucks
456 Unpaid Lane
Las Vegas, Nevada

Dear Mr. Bucks:

This letter is a demand for payment in the amount of \$1,300.00. As you know, you borrowed \$1,500.00 from me on February 23, 2018. You agreed to repay me \$200 per month, but have only made one payment.

I have tried to call you several times to reestablish payments, but you repeatedly hang up on me. I would like to try and resolve this, and I am willing to begin accepting monthly payments again.

Please call me within 10 days to work something out. Otherwise, I will have no other option than to file a claim in Small Claims Court. I will request reimbursement for the costs I will incur as a result of having to file a court action.

Sincerely,
Jane Doe

Sent certified mail, return receipt

letter should state the exact amount of money you are seeking and why you believe you are entitled to it. You might want to include a concise summary of the facts.

Never include personal attacks or anything else you would not want the judge to read. Your letter should be polite and professional, with the goal of encouraging the defendant to resolve the dispute amicably. You should end your letter by informing the defendant that you will pursue the matter in Small Claims Court if it is not resolved.

Do not forget to keep copies of your letters, any correspondence you receive from the defendant, the certified mail receipt, and the return receipt postcard.

You can find a form for a standard demand letter (Page 52) on the Civil Law Self-Help Center's website at www.civillawselfhelpcenter.org/forms/small-claims-forms. If you still are not sure what to say in your demand letter, your local library has books about Small Claims Court and writing demand letters that you might find helpful.

STEP FOUR:

FILING YOUR COMPLAINT

In Las Vegas and North Las Vegas, the "plaintiff" (the person suing) must wait at least ten days from the date the demand letter is sent to file the small

claims case. In Henderson, the court requires you to wait at least fourteen days. After this time period, you can file your Affidavit of Complaint for Small Claims (Page 43 for Las Vegas; Page 44 for Henderson; Page 45 for North Las Vegas). The person being sued is called the "defendant."

A Small Claims Complaint form is available at the Civil Law Self-Help Center's website at www.civillawselfhelpcenter.org/forms/small-claims-forms. The Las Vegas Justice Court has developed its own set of small claims forms, which are different from the forms used in North Las Vegas and Henderson. Make sure you are using the correct form for the correct court.

Your Complaint should be typed or completed online. You must also attach a Civil Cover Sheet to your Complaint (unless you are filing in Las Vegas). The Civil Cover Sheet can be found on Page 42 and on the Civil Law Self-Help Center website at www.civillawselfhelpcenter.org/forms/justice-court-forms.

You must file your Complaint with the Justice Court in the township where the defendant currently lives, works, or does business; or the township where the defendant lived, worked, or did business at the time of the incident for which you are suing; or the township where the injury to the person or property happened; or the township where the obligation under a contract was supposed to be performed or is supposed to be performed.

Don't forget to keep records of all of the costs you have incurred for postage, filing, and serving your Complaint. You may be able to recover some of these costs if you win.

When filing, you will need:

- The original Complaint (and 3 copies if you are filing in North Las Vegas or Henderson);
- The demand letter;
- The return receipt postcard from sending the demand letter;
- A Civil Cover Sheet (unless you are filing in Las Vegas); and
- The correct filing fee.

The filing fee can be paid by cash, VISA®, MASTERCARD®, ATM and debit cards, money order, or cashier's check. Current filing fees are:

- \$66.00 for claims between \$0.00 - \$1,000.00
- \$86.00 for claims between \$1,000.01 - \$2,500.00.
- \$106.00 for claims between \$2,500.01 - \$5,000.00.
- \$146.00 for claims between \$5,000.01 - \$7,500.00.
- \$196.00 for claims between \$7,500.01 - \$10,000.00.

If you are unable to pay the filing fee, you can file a fee waiver, also called an “Application to Proceed *In Forma Pauperis*.” The form to apply for a fee waiver is available at the Civil Law Self-Help Center or on its website at www.civillawselfhelpcenter.org/forms/justice-court-forms.

In Las Vegas, you will receive a case number and trial date within 24-48 hours of filing your complaint. In Henderson and North Las Vegas, you will be assigned a case number and a trial date at the time you file your Complaint.

WHERE DO I FILE?

You must file in the Justice Court for the township where the defendant in the case currently lives, works, or does business; or the township where the defendant lived, worked, or did business at the time of the incident for which you are suing; or the township where the injury to the person or property happened; or the township where the obligation under a contract was supposed to be performed or is supposed to be performed. If you are not sure which township is the correct one, you can check the defendant’s address at the online jurisdiction finder for Clark County at gisgate.co.clark.nv.us/gismo/apps/jurisdiction/app/index.html.

STEP FIVE:

SERVING YOUR COMPLAINT

After you file your Complaint, a copy of the Complaint must be delivered to each defendant. This is called “service of process.” It is good practice to serve the defendant immediately after filing the Complaint.

Service of process must be completed by a person who is NOT a party in the lawsuit and who is over the age of 18. Service of process can also be performed by the Constable, Sheriff, or a private process server. The fee is usually about \$17.00 plus \$2.00 for each mile traveled in serving the Complaint, but it varies. If you use the Constable or Sheriff, you will need to provide them with four copies of your Complaint. If you ask someone other than the Constable or Sheriff or a licensed process server, that person cannot be engaged in the business of being a process server, cannot accept compensation for serving the document, and cannot serve process more than three times in a calendar year.

A Proof of Service form (Page 46 for Las Vegas; Page 47 for Henderson; Page 48 for North Las Vegas) must be completed by the person who serves the Complaint, and it must be filed with the court to prove that the defendant was properly served. If you use the Constable, Sheriff, or a private process server, they will either file the Proof of Service with the court or provide it to you to file in your case. When you receive the Proof of Service, you must file it with the court as soon as possible. If the court is not satisfied that the defendant was served, your case will not be heard. If service is incorrect for any reason, your case could be dismissed or continued.

HOW LONG DO I HAVE TO SERVE A DEFENDANT?

You must serve your defendant (and file the Proof of Service with the court) at least ten business days before the trial date. If you cannot serve your defendant before that date, you’ll need to ask the court for more time.

HOW DO I SERVE AN INDIVIDUAL?

Each defendant named in your case must be personally served with their own copy of the Complaint, even if they live at the same address (and a separate Proof of Service must be filed for each defendant). “Personal service” means that the defendant must be handed a copy of the Complaint. The only exception to this rule is if the Complaint is served at the defendant’s home. A process server can leave the Complaint at defendant’s home address with a person of suitable age and discretion. The Complaint must be given to a person and cannot simply be left in the doorway.

You might want to research the Nevada Revised Statutes to determine whether there is any alternative method of service allowed in your type of case. For example,

- If your case involves damages or loss you suffered as the result of the defendant's use of a motor vehicle in Nevada, you may be able to serve the defendant through the Nevada Department of Motor Vehicles.
- If your defendant lives in a guard-gated community, you may be able to serve the defendant by leaving a copy of the Complaint with the guard.
- In a case against a landlord, you may be able to serve your Complaint on the property manager or the party who entered into the rental agreement on the landlord's behalf (when there is no other agent designated in the lease).

If you have made several failed attempts to serve your defendant, you can ask the court for permission to serve the defendant by certified mail. To obtain the court's permission, you must file a Motion for Service of Small Claims Complaint by Certified Mail form (Page 53), which is available at the Civil Law Self-Help Center's website, www.civillawselfhelpcenter.org/forms/small-claims-forms. Be prepared to provide proof of all of the ways the process server attempted to serve the defendant personally. Service by publication is rarely, if ever, ordered in small claims cases.

HOW DO I SERVE A BUSINESS?

If you are suing a corporation or other business, you generally must serve a person called the "registered agent." All corporations, limited partnerships (LPs), and limited liability companies (LLCs) are required by law to designate an agent to accept service of lawsuits. Corporations must provide the name and address of this agent to the Nevada Secretary of State's office. You can find a company's registered agent by using the Business Entity Search on the Secretary of State's webpage at esos.nv.gov/EntitySearch/OnlineEntitySearch.

If a business has designated a registered agent, you can serve your lawsuit on the business by arranging for a copy of the Complaint to be delivered to the registered agent. A Sheriff, Constable, or process server can serve the registered agent personally (by handing it to him or her) or by leaving a copy of the Complaint with a person of suitable age and discretion at the address listed on the Secretary of State's website. Bear in mind that the registered agent is not a party to the lawsuit. The registered agent is simply the entity that accepts the paperwork on behalf of the business. Do not name the registered agent as a defendant in your lawsuit.

Sometimes, businesses change their registered agent but do not update their information with the Secretary of State's office. In such a case, you might have several alternatives for service. For instance, a corporation incorporated in Nevada can also be served by personal service on the corporation's president, secretary, cashier, or managing agent. (JCRCP 4(d)(1).) If the corporation

is incorporated outside the State of Nevada, a lawsuit can be served on the foreign corporation's managing agent, cashier, or secretary if they are *within* Nevada. (JCRCP 4(d)(2).)

If a corporation, LP, or LLC has not complied with the requirement to provide an agent who will accept lawsuits, and there is no other person you can serve, you might be able to serve the business by mailing a copy to the Nevada Secretary of State, posting another copy in the office of the court clerk in the court where you filed your suit, and mailing copies of the Complaint to any corporate representatives located out of state. (JCRCP 4(d).) However, before you do this, you will need to get permission from the court by submitting an affidavit to the court explaining everything that you did to try to serve the corporation or partnership and why serving the Secretary of State's office is your only viable alternative.

The rules on serving businesses and other entities can be complicated. If you are not sure how to serve your opposing party you can check the rules on service in Rule 4 of the Justice Court Rules of Civil Procedure. You should also look at Chapter 14 of the Nevada Revised Statutes, which provides information on serving other entities, including government agencies.

Generally, a domestic corporation that has gone out of business can be sued up to two years after the corporation dissolves. If you are planning on suing a corporation that has gone out of business, read NRS 78.585 to make sure you are fulfilling all the appropriate requirements.

IF YOU HAVE BEEN SERVED WITH A SMALL CLAIMS COMPLAINT

When you are served with a small claims complaint, you will see a date, location, and time on your paperwork for your court trial or mediation. You will have to go to court on that date. If you do not show up at the court or do not file something, the plaintiff can obtain a default judgment against you. This means that the court will order you to pay the plaintiff money even though you did not attend a trial. If you absolutely cannot make that court date for some reason, you should file a Motion to Continue. This form is available at the Civil Law Self-Help Center's website at www.civillawselfhelpcenter.org/forms/small-claims-forms. You should file your motion as soon as possible. Keep in mind that the court does not have to change your trial date.

If you believe the plaintiff owes you money, you can file a Counterclaim form (Page 49 for Las Vegas; Page 50 for Henderson & North Las Vegas). Just as if you were the plaintiff, you must complete the Counterclaim form, make three copies (unless you are filing in Las Vegas), and file it with the clerk of the Justice Court where plaintiff initially filed the Complaint against you. The fee for filing a Counterclaim in Las Vegas is \$71.00. If you are unable to pay the filing fee, you can file a fee waiver, also called an "Application to Proceed *In Forma Pauperis*." The form to

apply for a fee waiver is available at the Civil Law Self-Help Center's website at www.civillawselfhelpcenter.org/forms/justice-court-forms.

You must then arrange to have the plaintiff served with your Counterclaim, just as you were served with the Complaint.

Even if you do not think you have a defense – a valid reason for not paying – you should still attend the trial. You should never ignore a Summons! If you believe you have a defense, you should do research, prepare your case, organize your evidence, and practice presenting your case just like the plaintiff. If you are unsure whether you have a legal defense, you might want to consult with an attorney or do your own legal research.

MEDIATION

The Justice Court in Henderson requires mediation with the Neighborhood Justice Center before you proceed with your lawsuit. The Las Vegas Justice Court and the North Las Vegas Justice Court do *not* require mediation in your small claims lawsuit, but you can choose to participate.¹

WHAT IS MEDIATION?

Mediation is a process in which opposing parties meet with a neutral third party to try and reach a mutually agreeable solution. Mediation is conducted by trained mediators with the Neighborhood Justice Center (NJC), whose office is located at 330 S. 3rd St., Suite 600, Las Vegas, Nevada. Mediation with the NJC is free and confidential.

Mediation starts with all parties meeting in one room (referred to as “joint session”). Each party has a chance to share their view of the dispute without interruption. After the initial meeting, each party has a private session (referred to as “caucus”) with the mediator to talk about possible ways to resolve the dispute. The mediator will then bring the parties back together to talk about mutually agreeable solutions.

Mediators are not judges. They will not decide which party is right or wrong, nor will they decide whether one party is telling the truth. They will not advise the parties on how to proceed. The mediator is only there to facilitate a respectful environment to help the parties look at their goals and options, so they can find a solution that leaves everyone satisfied.

One of the advantages of mediation is that you can reach agreements that include provisions that cannot be ordered in Small Claims Court. Small claims judges can only award money, but a

¹ Las Vegas Justice Court required mandatory mediation in all small claims cases filed before January 1, 2017. For all cases filed after January 1, 2017, the mandatory mediation requirement was removed.

mediation agreement can include other types of relief (for example, the return of a pet, the repair of a car) tailored to the needs of the individual participants.

HOW DO I SIGN UP FOR MEDIATION?

You will automatically be sent to mediation in Henderson before your small claims case is heard. When you arrive for your trial date, you will be sent to mediation at the courthouse. If your mediation is not successful, you will proceed with your trial on the same day.

If you simply want to try a free mediation instead of filing a lawsuit, you can try mediation by contacting the NJC at (702) 455-3898. The NJC will contact your opposing party to see if they are interested in trying to mediate your dispute. Unfortunately, unless mediation has been mandated by the court, you can only go to mediation if your opposing party agrees to it. North Las Vegas also has mediators available on site before Small Claims Court sessions.

DO I HAVE TO MAKE AN AGREEMENT DURING MEDIATION?

No. Although attendance at mediation is mandatory in the Henderson Small Claims Court, it is not mandatory that you make an agreement during the mediation.

WHAT HAPPENS IF I DO REACH AN AGREEMENT WITH THE OPPOSING PARTY?

If you do reach an agreement with the opposing party, the mediator will write up the agreement for you on one of the NJC's forms. Both parties will sign the written agreement. That agreement then becomes a written contract and can be enforced by both parties. If one party breaches the agreement, the other party can obtain a default judgment without having to go to a hearing by notifying the court of the default. Defendants should be aware that if they sign an agreement in mediation and then breach the agreement, they will not have an opportunity to contest either the breach or the underlying issue in court. Moreover, defendants should be very wary of signing a mediation agreement that imposes a monetary penalty on them for breaching the agreement.

WHAT HAPPENS IF I DO NOT REACH AN AGREEMENT DURING MEDIATION?

If you do not reach an agreement during mediation, you can proceed with your lawsuit. There is no penalty for failing to reach an agreement. In the Henderson Justice Court, you will have your court trial directly after your mediation.

PREPARING FOR YOUR TRIAL

WHAT SHOULD BE FILED BEFORE MY TRIAL?

The three documents that should be filed in your case before your trial date are the (1) Complaint, (2) Proof of Service, and (3) the Memorandum of Costs. The Memorandum of Costs is a list of all the costs you have paid so far in the case. Both the Proof of Service and the Memorandum of Costs should be filed at least 10 days before your trial date. Even though you have until 10 days before your trial date to file the Proof of Service and Memorandum of Costs, you should file them as soon as possible.

CAN I CHANGE MY COURT DATE?

If you need to change your trial date, do not send a letter to the judge or court. If you are a plaintiff/counterdefendant who can't make an assigned trial date, or if you are unable to serve at least ten days before the trial date, or if you are the plaintiff and the court date expired, you can file the Small Claims Motion to Continue or Request to Reset Hearing. (Page 54) These forms are available at the Civil Law Self-Help Center's website at www.civillawselfhelpcenter.org/forms/small-claims-forms. You should file your motion as soon as possible. Keep in mind that the court does not have to change your trial date.

WHAT DO I DO IF I NEED INFORMATION FROM THE OTHER PARTY OR A WITNESS TO COME TESTIFY FOR ME?

A witness can be the difference between winning and losing your case. It is usually a good idea to interview your witness before the trial to avoid any surprises. You should not, however, try to change your witness's story.

If you are not sure whether a witness will voluntarily appear at the trial, you might consider issuing a subpoena. This form is available at the Civil Law Self-Help Center's website at www.civillawselfhelpcenter.org/forms/small-claims-forms. If you decide it is necessary, you should complete, file, and have the Subpoena form served as soon as possible before the trial. Your Affidavit of Service of the Complaint form must be filed before the Court will issue a subpoena. If you subpoena a witness, you must pay a witness fee of \$25.00 per day and mileage reimbursement of 58.5 cents per mile the witness must travel. You can attach a check to the subpoena when it is served. You must also pay the Constable, Sheriff, or private process server a fee to serve the subpoena, usually around \$15.00 plus \$2.00 per mile.

The Subpoena form is for either a regular subpoena or a subpoena *duces tecum*. A regular subpoena requires the witness to appear at the trial. A subpoena *duces tecum* requires the witness to appear and bring certain evidence or documents. Because there is no discovery process in Small Claims

Court, a subpoena *duces tecum* is the only way you can require your opposing party to bring documents you may want to court.

When completing the form, make sure the trial date is correct. If the trial date changes, you will have to issue a new subpoena and have the new subpoena served.

ARRANGING FOR A COURT INTERPRETER

If you or a witness will require the assistance of an interpreter, you should bring one with you, or you can contact the District Court Interpreter's Office to make arrangements for an interpreter to be present on your court date. An interpreter cannot be your spouse, be related to you, be biased for or against one of the parties, or otherwise interested in the outcome of the trial. Generally, an interpreter must be court approved. You should use one from the District Court Interpreter's Office if possible, although you may have to pay a fee.

FAMILIARIZING YOURSELF WITH COURTROOM PROCEDURE

Before your trial, consider observing Small Claims Court in action. This is especially helpful if you are nervous about your upcoming trial or if you just want to get an idea of what to expect. You can call the court clerk or visit the court's website for a schedule of upcoming small claims trials.

ORGANIZING YOUR CASE AND EVIDENCE

Even though you have been preparing and waiting for your trial date for months, your trial will only last for 10-15 minutes. Since you have such a short time, it is important to be prepared and organized.

Before the trial, prepare a brief outline to refer to during the trial. Most judges prefer that you do not read a prepared statement. Your outline should include the necessary facts and details about your case. Do not include unnecessary details, history, or repeat yourself. Explain why you believe you are entitled to the money you have requested, and refer to any applicable laws upon which you are relying. And remember, it is up to you to prove your case.

Preparing your evidence for the trial is just as important as preparing your thoughts. Bring the original and three copies of any document you wish to submit as evidence (any contract, check, photograph, police report, receipt, letter, estimate, and the like). You should also bring a copy of any law you refer to in your case. If you have several documents, put them in a binder with tabs and prepare a table of contents listing each document and its corresponding tab. This will enable you to find your documents quickly when you go to court.

Once you are done with your research, preparing your outline, and organizing your evidence, practice presenting your case. It may be especially helpful if you practice presenting your case to someone who is not familiar with it. If something is confusing or does not make sense, you will know.

YOUR DAY IN COURT

Arrive early! The last thing you want to happen after all of the work you have done preparing for your day in court is to be late. Leave plenty of time to find a parking spot, walk to the courthouse, and find the correct courtroom.

Dress conservatively. You are not required to wear a suit, but you should refrain from wearing shorts, flip-flops, tank tops, halter-tops, or shirts that show your midriff. You must remove hats and sunglasses before entering the courtroom.

If your address changes from the one listed on your Complaint, make sure you give the court clerk your new address or you may not receive a copy of the judge's decision.

Your trial will take place in a courtroom with many other people who have a trial at the same time. Be polite and pay attention while waiting for your case to be called. Refrain from talking, chewing gum, listening to music, and shuffling your papers. Be sure that your phone is turned off. If you must leave the courtroom, do so as quietly as possible. Respect the clerks, marshals, and other litigants.

The first order of business in Small Claims Court is for the clerk to call roll and determine which parties are present. If the plaintiff is not present, the judge can dismiss the case. If the defendant is not present, the judge can award the plaintiff a default judgment for the full amount sought in the Complaint. The plaintiff should be prepared to prove up the amount of the default judgment.

In Henderson, the parties are required to participate in mediation before court. They will meet privately, outside of the courtroom, with a mediator. If the mediation is not successful, the parties will have their case heard before the judge.

Cases for which both parties are present are heard in the order of the case numbers. When your case number is called, proceed to the appropriate table for “plaintiff” or “defendant” at the front of the courtroom.

HOW WILL MY TRIAL PROCEED?

Usually, the judge will ask the plaintiff to present his case first, and then the defendant goes second. Throughout the trial, the judge will probably ask each party questions about the facts of the case or evidence. If the judge asks for your evidence, hand it to the marshal. Do not approach the judge unless instructed to do so. Always address the judge as “Your Honor” or “Judge,” and never interrupt or talk over the judge.

Even if you believe your opponent is not telling the truth, you should remain calm and polite. Do not interrupt your opponent, talk to your opponent, or raise your hand to get the judge's attention.

Instead, write down your point and wait for the judge to address you about your opponent's statement and provide evidence to the contrary.

At the end of the trial, the judge will either issue a decision right away or take the case "under advisement." When the judge takes a case under advisement, it means that the decision is pending while the judge considers the facts or researches questions of law. The court will mail you a copy of the decision. A Justice of the Peace's decision is called an "Order."

There are a few different ways in which the judge can rule on a case. If the judge believes the plaintiff failed to prove his case, the judge can find in the defendant's favor and enter judgment for the defendant. If the judge finds that the plaintiff has proven his case and the defendant had no defenses, the judge can find in the plaintiff's favor and order the defendant to pay plaintiff. In a case where the defendant filed a Counterclaim and was able to prove his case, the judge could find in his favor and order the plaintiff to pay the defendant. And sometimes, the judge might find each party owes the other, and can offset one claim against the other.

HOW TO APPEAL

Both the plaintiff and the defendant have five business days (plus three days if the decision was mailed to you) to object or appeal the judge's decision. The court's decision will not be binding or enforceable until the appeal period has expired.

If you disagree with the decision of the Justice of the Peace and you want a higher court to look at that decision, you will need to file an Appeal. To file an Appeal, you must pay a filing fee of \$97.00 and post a \$250 bond for costs on appeal. In order to file an Appeal, you will need to complete and file several forms including the Notice of Appeal, Statement of Evidence or Proceedings, and Statement of Points. These forms are available at the Self-Help Center's website at www.civillawselfhelpcenter.org/forms/small-claims-forms. Your appeal will be heard by a district court judge, who will base her decision on the facts and evidence presented at the original trial. You will not have the opportunity to submit additional evidence or arguments that were not presented in Small Claims Court. If a defendant is appealing and wants to also stay the execution of the judgment (in other words, prevent the opposing party from collecting the judgment), he must post the entire amount of the judgment, including costs and interest, unless the court orders otherwise.

If no Appeal is filed, the court will automatically enter a judgment against the losing party. A "judgment" is an order entered by the court for or against a party for a specific amount of money.

EXECUTING THE JUDGMENT

HOW DO I COLLECT MY MONEY?

The good news is that you won your case, and the court has entered a judgment against the other party. The bad news is that collecting your judgment may not be easy. The party who won and is entitled to collect the money awarded to him by the court is called the "judgment creditor." The party who lost and owes money to the judgment creditor is called the "judgment debtor." It is up to the judgment creditor – not the court – to collect from the judgment debtor.

If a judgment debtor does not voluntarily pay the judgment, the judgment creditor can seek to collect the money from the judgment debtor involuntarily. This is called “executing the judgment.”

A judgment creditor can execute upon a judgment debtor’s wages, real property, bank account, or cash box. There are a series of forms that the judgment creditor must file with the court clerk and deliver to the Constable or Sheriff in order to execute a judgment.

The first form is the Writ of Execution, which is a routine court order that authorizes the Constable or Sheriff to take certain property belonging to the judgment debtor. A Notice of Execution, Instructions to the Constable/Sheriff, and a Writ of Garnishment (if appropriate) must also be completed. These documents must be typed and signed. The Writ of Execution (plus four copies if you are not filing in Las Vegas) must be filed with the court clerk.

The Writ of Execution must then be served by the Constable or Sheriff. The judgment creditor must pay the court and the Constable or Sheriff certain fees up front including:

- \$25.00 to the court to file the Writ of Execution;
- \$30.00 to the Constable or Sheriff for bank account or wage garnishment, plus \$2.00 per mile (as determined by the Constable/Sheriff);
- \$15.00 to the Constable or Sheriff for cash box or property lien levy, plus \$2.00 per mile; and
- \$5.00 to the employer or bank, made payable to the employer or bank.

A Writ of Execution against the debtor’s wages will remain in effect for 180 days. Wages are collected each payday for 180 days, unless the judgment is paid in full. If attaching the contents of a cash drawer or bank account, the execution is a one-time action, and must be re-filed until the judgment is paid in full or satisfied.

WHAT KIND OF PROPERTY CAN I COLLECT TO SATISFY THE DEBT?

GARNISHMENT

You might be able to get a court order called a Writ of Garnishment to obtain a portion of the defendant's wages. In order to garnish wages, you must know the name and address of the employer of the person against whom you have the judgment. You can obtain 25% of the defendant's check if the defendant makes more than \$770 per week. If the defendant makes less than \$770 per week, you can only obtain up to 18% of the defendant's check. If the defendant makes less than \$362.50 per week, you cannot obtain any portion of the defendant's check.

ATTACHMENT

If garnishment is unavailable, you can seek a different kind of court order called a Writ of Attachment to obtain some of the defendant's property. If possible, it is best to attach cash. To attach money in a bank account you need to know the defendant's bank name, address, and, ideally, the account number. (*Hint: find someone who wrote a check to the business to look on the back of the canceled check.*) If the business has a cash register, you can execute against any cash on the property. You'll need the business' name and location.

RECORD A LIEN VIA ABSTRACT OF JUDGMENT

If the defendant owns a home or other real estate, you can record your judgment as a lien against the property. To do so, you must first submit an Abstract of Judgment form to the court. The form is available at the Civil Law Self-Help Center's website. After the judge signs the Abstract of Judgment, a certified copy can then be recorded with the Clark County Records Office at 500 Grand Central Parkway, Las Vegas, Nevada 89155. Once recorded, the judgment becomes a lien upon all real property of the judgment debtor, not exempt from execution, in Clark County, that the judgment debtor currently owns or that he acquires before the lien expires. The lien continues for six years (unless the judgment is satisfied), and you can re-record the lien if you renew your judgment. When the property is sold or foreclosed upon, you should receive your money.

BONDS/RECOVERY FUNDS

Occasionally, there may be a bond or recovery fund from which you can collect your judgment.

Manufactured Housing. Consumers victimized by dealers, servicemen, installers, manufactures, and other persons licensed by the Division of Manufactured Housing can collect from a recovery fund maintained by the Division under NRS 489.4971. If you are unable to collect the judgment, go back to the court and request the judge to order that the judgment be paid from the recovery

fund. Note: you should first file a complaint with the Manufactured Housing Division at (702) 486- 4135.

Vocational Schools. If your judgment is against a vocational school that is closed, some schools are required to post a bond or set up a recovery fund. Students should call the State of Nevada Commission on Postsecondary Education at (702) 486-7330. (NRS 394.553 and 394.480.)

Contractors. Some licensed contractors may have a bond against which you can make a claim. Call the Nevada State Contractors Board at (702) 486-1100 to see if there is a bond posted.

Car dealerships, Body Shops, and Emission Shops. These types of businesses are required to post bonds. To make a claim, call the Compliance Enforcement Division of the Department of Motor Vehicles at (775) 684-4690. The Division will tell you the name, address, and phone number of the bonding company, who will explain the procedures for filing a claim.

Collection agencies, Escrow Companies, and Money Order businesses. These types of businesses must post bonds. For collection agencies, call the State of Nevada Financial Institutions Division at (702) 486-4120.

Education, Research and Recovery Fund (ERRF). This bond is available to consumers who have won a case against a licensed real estate broker or salesperson for fraud, misrepresentation or deceit. The procedure to request payment from the bond can be found at <http://red.nv.gov/> or by calling (702) 486-4033. (NRS 645.8494)

Certain other types of entities are required to post bonds. For example, employers on construction jobs (NRS 338 and 608150), Employment agencies (NRS 611), and Nursing Homes all must post bonds.

WHAT PROPERTY CAN'T A JUDGMENT CREDITOR COLLECT?

There are rules about what a judgment creditor can and cannot take from a judgment debtor. Property that cannot be taken is called "exempt." Some examples of exempt property include:

- 75% of a judgment debtor's wages if he makes more than \$770 per week;
- 82% of a judgment debtor's wages if he makes less than \$770 per week;
- 100% of a judgment debtor's wages if he makes less than \$362.50 per week;
- Judgment debtor's primary residence, not to exceed \$605,000 equity;
- Necessary household goods not to exceed \$12,000;
- \$2,000.00 in a bank account if the money comes from electronic government payments of exempt income;
- \$400.00 in non-exempt income in a bank account;
- One vehicle with equity not to exceed \$15,000;

- \$10,000 in a “wildcard,” which can be used on any personal property that isn’t already exempt;
- Certain payments and benefits such as Social Security, veterans’ benefits, unemployment, public benefits, and child support.

A more complete list of exemptions can be found on Page 29.

If exempt property has been taken from a judgment debtor, he has ten business days to file a Claim of Exemption and request the return of his property. The procedure for claiming exempt property is included in the Notice of Execution. If the judgment debtor files a Claim of Exemption, you should receive a copy of the Claim of Exemption in the mail. If you dispute the judgment debtor’s claimed exemptions, you have eight days to file a request for a hearing with the court, at which the validity of the exemptions will be resolved. A form to request a hearing is available at the Civil Law Self-Help Center’s website.

HOW CAN I FIND THE INFORMATION I NEED TO COLLECT THE MONEY FROM MY DEBTOR?

If a judgment creditor has tried to locate a judgment debtor’s assets and has been unsuccessful, he can ask the court for an order requiring the judgment debtor to appear in court and answer questions under oath about his property.

You ask the court to set an examination by filing a Motion and Order for Examination of Judgment Debtor form. (Page 55) You should include with your order a list of documents you would like the debtor to bring such as bank account statements, tax returns, paystubs, vehicle titles, and real property records. Once the judge has granted your request, you must arrange to have the judgment debtor served with the order setting the examination date.

Before the examination of the judgment debtor, the judgment creditor should prepare a list of questions about the judgment debtor’s assets. Sample questions may seek to confirm the following:

- Debtor’s full name, maiden name, and any former names
- Date of birth
- Social Security number
- Driver’s license number
- Current address and telephone numbers
- Any previous addresses
- Spouse’s name, if married
- Employer’s name, address, telephone number, and current salary
- Previous employers
- Other sources of income

- Location and title information for all real estate, automobiles, boats, recreational vehicles, and mobile homes
- Location and type of bank account, money market accounts, safe deposit box, stocks, bonds, securities
- Income tax information

OTHER CONSIDERATIONS

RENEWING YOUR JUDGMENT

A judgment is valid for six years but can be renewed if it has not been paid in full. The judgment creditor must file an Affidavit of Renewal of Judgment form within ninety days before the judgment expires. A copy of the filed Affidavit must be mailed by certified mail, return receipt requested to the judgment debtor within three days after filing it with the court.

If the judgment was recorded, it may be renewed by recording the Affidavit at the County Recorder's office within three days after filing it with the court.

SATISFACTION OF JUDGMENT

When a judgment debtor pays a judgment in full, or satisfies it, the judgment creditor must file a Satisfaction of Judgment form with the court. It is important for the judgment creditor to file a Satisfaction of Judgment for a number of reasons. First, he has an obligation to notify the court that the judgment has been paid. Second, an unsatisfied judgment has a negative impact on a judgment debtor's credit report and credit score.

Credit reporting agencies scan public court records for the information that makes up a consumer's credit reports.

If a judgment creditor fails to file a Satisfaction of Judgment, the judgment debtor can file a Motion for Satisfaction of Judgment form. The court will review the file and determine whether or not it will issue an order deeming the judgment satisfied.

Case Checklist

Before You Decide to File

- You can prove your case
- Your claim is \$10,000.00 or less
- You have determined the exact amount of your claim
- You have considered the cost of filing your claim
- The defendant is not collection proof
- The time for filing has not expired
- You have identified the right defendant
- You know where the defendant is
- You have considered or attempted mediation
- Should you hire an attorney?
- You have sent a demand letter

Filing Your Complaint

- You have completed your complaint form
- You have made three copies of the complaint form (if not in Las Vegas)
- You have the filing fee or you have filled out the fee waiver form (*In Forma Pauperis*)
- Your complaint has been filed in the township where the defendant currently lives, works, or does business; or the township where the defendant lived, worked, or did business at the time of the incident for which you are suing; or the township where the injury to the person or property happened; or the township where the obligation under a contract was supposed to be performed or is supposed to be performed
- You have received a case number and a trial date
- You have served a copy of your complaint to each defendant
- A proof of service form has been completed and filed with the court for each defendant

Preparing for Your Trial

- You have interviewed your witnesses
- You have subpoenaed witnesses that may not appear for court voluntarily
- You have filed a subpoena *duces tecum* to compel witnesses to bring evidence to court they may not bring voluntarily
- You have arranged for a court interpreter if necessary
- You have observed small claims court (recommended)
- You have organized your evidence
- You have made three copies of your evidence
- You have organized and practiced your presentation to the judge

Contact Information & Websites

Las Vegas Justice Court
200 Lewis Avenue
Las Vegas, Nevada 89101
(702) 671-3116

<http://www.lasvegasjusticecourt.us/>

Henderson Justice Court
243 Water Street
Henderson, Nevada 89015
(702) 455-7951

https://www.clarkcountynv.gov/government/departments/justice_courts/jurisdictions/henderson/index.php

North Las Vegas Justice Court
2428 Martin Luther King Blvd.
North Las Vegas, Nevada 89032
(702) 455-7801

https://www.clarkcountynv.gov/government/departments/justice_courts/jurisdictions/north_las_vegas/index.php

Small Claims Statutes NRS 73.010-060

<http://www.leg.state.nv.us/NRS/NRS-073.html>

Justice Court Rules of Civil Procedure (Rule 88-100)

<http://www.leg.state.nv.us/CourtRules/JCRCP.html>

Las Vegas Justice Court Local Rules of Practice (Rule 5.1-5.15)

http://www.leg.state.nv.us/CourtRules/JCR_LV.html

Neighborhood Justice Center (Mediation)

330 South 3rd Street, Suite 600

Las Vegas, Nevada 89101

(702) 455-3898

http://www.lasvegasjusticecourt.us/divisions/neighborhood_justice_center_division/index.php

Clark County Clerk (Fictitious Firm Name Search)

200 Lewis Avenue, 5th Floor

Las Vegas, Nevada 89101

(702) 671-0500

<https://clerk.clarkcountynv.gov/AcclaimWeb/Fbn/SearchTypeFbnByName>

Clark County Assessor (Real Property Information)

500 South Grand Central Parkway

Las Vegas, Nevada 89155

(702) 455-3882

www.clarkcountynv.gov/government/assessor/property_search/real_property_records.php

Clark County Recorder

500 South Grand Central Parkway

Las Vegas, Nevada 89155

(702) 455-4336

www.clarkcountynv.gov/recorder

Nevada Secretary of State

101 North Carson Street, Suite 3

Carson City, NV 89701

(775) 684-5708

<https://nvsos.gov/>

Nevada Department of Business and Industry (Licensing Information)

555 East Washington Avenue, Suite 4900

Las Vegas, Nevada 89101

(702) 486-2750

<http://business.nv.gov/>

Clark County (Business Licensing Information)

500 South Grand Central Parkway, 3rd Floor

Las Vegas, Nevada 89155

(702) 455-4252

https://www.clarkcountynv.gov/business/doing_business_with_clark_county/business_license_search.php

City of Las Vegas (Business Licensing Information)

333 N. Rancho Dr., 6th Floor

Las Vegas, Nevada 89106

(702) 229-6281

<https://www.lasvegasnevada.gov/Business/Business-License/License-Search#!/disclaimer>

Clark County Law Library

309 South Third Street, Suite 400

Las Vegas, Nevada 89155

(702) 455-4696

https://www.clarkcountynv.gov/government/departments/law_library/index.php

Constables

<https://clarkcountynv.gov/government/departments/constable/index.php>

Office of the Ex-Officio Constable

301 E. Clark Ave., Suite 100

Las Vegas, NV 89101

(702) 455-4099

https://clarkcountynv.gov/government/departments/constable/divisions/constable_las_vegas_township/index.php

Henderson Constable

243 Water Street

Henderson, NV 89015

(702) 455-7940

https://clarkcountynv.gov/government/departments/constable/divisions/constable_henderson_township/index.php

North Las Vegas Constable

2428 N. Martin Luther King Blvd.

North Las Vegas, NV 89032

(702) 455-7800

https://clarkcountynv.gov/government/departments/constable/divisions/constable_north_las_vegas/index.php

Nevada Department of Motor Vehicles

Compliance Enforcement Division

555 Wright Way

Carson City, Nevada 89711

(775) 684-4590

District Court Interpreter's Office

330 S. 3rd Street, 10th Floor, Suite 1020

Las Vegas, NV 89101

(702) 455-4279

NEVADA PROPERTY EXEMPTIONS

Nevada Revised Statute 21.090 provides that the following are exempt:

1. The following property is exempt from execution, except as otherwise specifically provided in this section or required by federal law:

(a) Private libraries, works of art, musical instruments and jewelry not to exceed \$5,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor, and all family pictures and keepsakes.

(b) Necessary household goods, furnishings, electronics, wearing apparel, other personal effects and yard equipment, not to exceed \$12,000 in value, belonging to the judgment debtor or a dependent of the judgment debtor, to be selected by the judgment debtor.

(c) Farm trucks, farm stock, farm tools, farm equipment, supplies and seed not to exceed \$4,500 in value, belonging to the judgment debtor to be selected by the judgment debtor.

(d) Professional libraries, equipment, supplies, and the tools, inventory, instruments and materials used to carry on the trade or business of the judgment debtor for the support of the judgment debtor and his or her family not to exceed \$10,000 in value.

(e) The cabin or dwelling of a miner or prospector, the miner's or prospector's cars, implements and appliances necessary for carrying on any mining operations and the mining claim actually worked by the miner or prospector, not exceeding \$4,500 in total value.

(f) Except as otherwise provided in paragraph (p), one vehicle if the judgment debtor's equity does not exceed \$15,000 or the creditor is paid an amount equal to any excess above that equity.

(g) For any workweek, 82 percent of the disposable earnings of a judgment debtor during that week if the gross weekly salary or wage of the judgment debtor on the date the most recent writ of garnishment was issued was \$770 or less, 75 percent of the disposable earnings of a judgment debtor during that week if the gross weekly salary or wage of the judgment debtor on the date the most recent writ of garnishment was issued exceeded \$770, or 50 times the minimum hourly wage prescribed by section 206(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., and in effect at the time the earnings are payable, whichever is greater. Except as otherwise provided in paragraphs (o), (s) and (t), the exemption provided in this paragraph does not apply in the case of any order of a court of competent jurisdiction for the support of any person, any order of a court of bankruptcy or of any debt due for any state or federal tax. As used in this paragraph:

(1) "Disposable earnings" means that part of the earnings of a judgment debtor remaining after the deduction from those earnings of any amounts required by law to be withheld.

(2) "Earnings" means compensation paid or payable for personal services performed by a judgment debtor in the regular course of business, including, without limitation, compensation designated as income, wages, tips, a salary, a commission or a bonus. The term includes compensation received by a judgment debtor that is in the possession of the judgment debtor, compensation held in accounts maintained in a bank or any other financial institution or, in the case of a receivable, compensation that is due the judgment debtor.

(h) All fire engines, hooks and ladders, with the carts, trucks and carriages, hose, buckets, implements and apparatus thereunto appertaining, and all furniture and uniforms of any fire company or department organized under the laws of this State.

(i) All arms, uniforms and accouterments required by law to be kept by any person, and also one gun, to be selected by the debtor.

(j) All courthouses, jails, public offices and buildings, lots, grounds and personal property, the fixtures, furniture, books, papers and appurtenances belonging and pertaining to the courthouse, jail and public offices belonging to any county of this State, all cemeteries, public squares, parks and places, public buildings, town halls, markets, buildings for the use of fire departments and military organizations, and the lots and grounds thereto belonging and appertaining, owned or held by any town or incorporated city, or dedicated by the town or city to health, ornament or public use, or for the use of any fire or military company organized under the laws of this State and all lots, buildings and other school property owned by a school district and devoted to public school purposes.

(k) All money, benefits, privileges or immunities accruing or in any manner growing out of any life insurance.

(l) The homestead as provided for by law, including:

(1) Subject to the provisions of [NRS 115.055](#), the sum of \$605,000 that is paid to the defendant in execution pursuant to subsection 2 of [NRS 115.050](#) or to a spouse pursuant to subsection 3 of [NRS 115.050](#); and

(2) A homestead for which allodial title has been established and not relinquished and for which a waiver executed pursuant to [NRS 115.010](#) is not applicable.

(m) The dwelling of the judgment debtor occupied as a home for himself or herself and family, where the amount of equity held by the judgment debtor in the home does not exceed \$605,000 in value and the dwelling is situated upon lands not owned by the judgment debtor.

(n) All money reasonably deposited with a landlord by the judgment debtor to secure an agreement to rent or lease a dwelling that is used by the judgment debtor as his or her primary residence, except that such money is not exempt with respect to a landlord or the landlord's successor in interest who seeks to enforce the terms of the agreement to rent or lease the dwelling.

(o) All property in this State of the judgment debtor where the judgment is in favor of any state for failure to pay that state's income tax on benefits received from a pension or other retirement plan.

(p) Any vehicle owned by the judgment debtor for use by the judgment debtor or the judgment debtor's dependent that is equipped or modified to provide mobility for a person with a permanent disability.

(q) Any prosthesis or equipment prescribed by a physician or dentist for the judgment debtor or a dependent of the debtor.

(r) Money, not to exceed \$1,000,000 in present value, held in:

(1) An individual retirement arrangement which conforms with or is maintained pursuant to the applicable limitations and requirements of section 408 or 408A of the Internal Revenue Code, 26 U.S.C. §§ 408 and 408A, including, without limitation, an inherited individual retirement arrangement;

(2) A written simplified employee pension plan which conforms with or is maintained pursuant to the applicable limitations and requirements of section 408 of the Internal Revenue Code, 26 U.S.C. § 408, including, without limitation, an inherited simplified employee pension plan;

(3) A cash or deferred arrangement plan which is qualified and maintained pursuant to the Internal Revenue Code, including, without limitation, an inherited cash or deferred arrangement plan;

(4) A trust forming part of a stock bonus, pension or profit-sharing plan which is qualified and maintained pursuant to sections 401 et seq. of the Internal Revenue Code, 26 U.S.C. §§ 401 et seq.; and

(5) A trust forming part of a qualified tuition program pursuant to [chapter 353B](#) of NRS, any applicable regulations adopted pursuant to [chapter 353B](#) of NRS and section 529 of the Internal Revenue Code, 26 U.S.C. § 529, unless the money is deposited after the entry of a judgment against the purchaser or account owner or the money will not be used by any beneficiary to attend a college or university.

(s) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support, education and maintenance of a child, whether collected by the judgment debtor or the State.

(t) All money and other benefits paid pursuant to the order of a court of competent jurisdiction for the support and maintenance of a former spouse, including the amount of any arrearages in the payment of such support and maintenance to which the former spouse may be entitled.

(u) Payments, in an amount not to exceed \$16,150, received as compensation for personal injury, not including compensation for pain and suffering or actual pecuniary loss, by the judgment debtor or by a person upon whom the judgment debtor is dependent at the time the payment is received.

(v) Payments received as compensation for the wrongful death of a person upon whom the judgment debtor was dependent at the time of the wrongful death, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(w) Payments received as compensation for the loss of future earnings of the judgment debtor or of a person upon whom the judgment debtor is dependent at the time the payment is received, to the extent reasonably necessary for the support of the judgment debtor and any dependent of the judgment debtor.

(x) Payments received as restitution for a criminal act.

(y) Payments received pursuant to the federal Social Security Act, including, without limitation, retirement and survivors' benefits, supplemental security income benefits and disability insurance benefits.

(z) Any personal property not otherwise exempt from execution pursuant to this subsection belonging to the judgment debtor, including, without limitation, the judgment debtor's equity in any property, money, stocks, bonds or other funds on deposit with a financial institution, not to exceed \$10,000 in total value, to be selected by the judgment debtor.

(aa) Any tax refund received by the judgment debtor that is derived from the earned income credit described in section 32 of the Internal Revenue Code, 26 U.S.C. § 32, or a similar credit provided pursuant to a state law.

(bb) Stock of a corporation described in subsection 2 of [NRS 78.746](#) except as set forth in that section.

(cc) Regardless of whether a trust contains a spendthrift provision:

(1) A distribution interest in the trust as defined in [NRS 163.4155](#) that is a contingent interest, if the contingency has not been satisfied or removed;

(2) A distribution interest in the trust as defined in [NRS 163.4155](#) that is a discretionary interest as described in [NRS 163.4185](#), if the interest has not been distributed;

(3) A power of appointment in the trust as defined in [NRS 163.4157](#) regardless of whether the power has been exercised;

(4) A power listed in [NRS 163.5553](#) that is held by a trust protector as defined in [NRS 163.5547](#) or any other person regardless of whether the power has been exercised; and

(5) A reserved power in the trust as defined in [NRS 163.4165](#) regardless of whether the power has been exercised.

(dd) If a trust contains a spendthrift provision:

(1) A distribution interest in the trust as defined in [NRS 163.4155](#) that is a mandatory interest as described in [NRS 163.4185](#), if the interest has not been distributed; and

(2) Notwithstanding a beneficiary's right to enforce a support interest, a distribution interest in the trust as defined in [NRS 163.4155](#) that is a support interest as described in [NRS 163.4185](#), if the interest has not been distributed.

(ee) Proceeds received from a private disability insurance plan.

(ff) Money in a trust fund for funeral or burial services pursuant to [NRS 689.700](#).

(gg) Compensation that was payable or paid pursuant to [chapters 616A to 616D](#), inclusive, or chapter [617](#) of NRS as provided in [NRS 616C.205](#).

(hh) Unemployment compensation benefits received pursuant to [NRS 612.710](#).

(ii) Benefits or refunds payable or paid from the Public Employees' Retirement System pursuant to [NRS 286.670](#).

(jj) Money paid or rights existing for vocational rehabilitation pursuant to [NRS 615.270](#).

(kk) Public assistance provided through the Department of Health and Human Services pursuant to [NRS 422.291](#) and [422A.325](#).

(ll) Child welfare assistance provided pursuant to [NRS 432.036](#).

2. Except as otherwise provided in [NRS 115.010](#), no article or species of property mentioned in this section is exempt from execution issued upon a judgment to recover for its price, or upon a judgment of foreclosure of a mortgage or other lien thereon.

3. Any exemptions specified in subsection (d) of section 522 of the Bankruptcy Reform Act of 1978, 11 U.S.C. §§ 101 et seq., do not apply to property owned by a resident of this State unless conferred also by subsection 1, as limited by subsection 2.

Money in a Trust Fund for Funeral or Burial Services: [NRS 689.700](#)

Industrial Insurance Compensation: [NRS 616C.205](#)

Public Employees' Retirement Benefits: [NRS 286.670](#)

Unemployment Compensation Benefits: [NRS 612.710](#)

Vocational Rehabilitation Maintenance: [NRS 615.270](#)

Welfare Assistance: [NRS 422.291](#) and [432.036](#)

Additionally for Medical Bills, generally the primary dwelling is exempt: [NRS 21.095](#):

Other exemptions provided for under federal law may apply.

Community Resources

<p>U.S. Bankruptcy Court Foley Federal Building 300 Las Vegas Blvd., South www.nvb.uscourts.gov 702-527-7000</p> <p>Center for Individual, Couple and Family Counseling (UNLV) McDermott Physical Education Complex (MPE), 4505 Maryland Pkwy, Box 453049, Bldg A, 2nd Fl https://www.unlv.edu/cicfc 702-895-3106</p> <p>Civil Law Self-Help Center 200 Lewis Ave. www.civillawselfhelpcenter.org</p> <p>Clark County Bar Association 717 S. 8th St. www.clarkcountymba.org 702-387-6011</p> <p>Clark County Civil Sheriff 302 E. Carson Ave. 5th Floor https://www.clarkcountynv.gov/government/departments/sheriff_civil/index.php 702-455-5400</p> <p>Clark County Constable (Las Vegas Township) 302 E. Carson, 5th Floor https://clarkcountynv.gov/government/departments/constable/divisions/constable_las_vegas_township/index.php 702-455-4099</p> <p>Clark County Dept. of Family Services 121 S. Martin Luther King Jr. Blvd. https://www.clarkcountynv.gov/residents/family_services/index.php 702-455-5444 (central office)</p> <p>Clark County District Attorney Family Support Division 1900 E. Flamingo Road, Ste. 100 https://www.clarkcountynv.gov/government/departments/district_attorney/divisions/family_support_division/index.php 702-671-9200</p> <p>Clark County Law Library 309 South Third St., Suite 400 https://www.clarkcountynv.gov/government/departments/law_library/index.php 702-455-4696</p>	<p>Clark County Public Guardian's Office 515 Shadow Lane https://www.clarkcountynv.gov/government/departments/public_guardian_s_office/index.php 702-455-4332</p> <p>Clark County Recorder's Office 500 South Grand Central Pkwy, 2nd Floor https://www.clarkcountynv.gov/government/elected_officials/count_recorder/index.php 702-455-4336</p> <p>Clark County School District 5100 W. Sahara Avenue www.ccsd.net 702-799-5000</p> <p>Clark County Social Services, Main Office 1600 Pinto Lane https://www.clarkcountynv.gov/residents/assistance_programs/index.php 702-455-4270</p> <p>Child Care and Development Fund, Child Care Program c/o Las Vegas Urban League 2470 N. Decatur Blvd., Suite 150 dwss.nv.gov 702-473-9400</p> <p>Family Courthouse 601 North Pecos Road http://www.clarkcountycourts.us/departments/judicial/family-division/ 702-455-2385</p> <p>Family Law Self-Help Center 601 North Pecos Road www.familylawselfhelpcenter.org</p> <p>Family Mediation Program Family Courthouse 601 North Pecos Road, Bldg. B http://www.clarkcountycourts.us/departments/fmc/ 702-455-4186</p> <p>Safe Nest (Shelter and Crisis Hotline Counseling) www.safenest.org 702-646-4981 702-877-0133</p>
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<p>Clark County Neighborhood Justice Center 330 S. 3rd Street, Suite 600 https://www.lasvegasjusticecourt.us/divisions/neighborhood_justice_center_division/index.php 702-455-3898</p> <p>HELP of Southern Nevada 1640 E. Flamingo Road #100 www.helpsonv.org 702-369-4357</p> <p>Latin Chamber of Commerce 300 N. 13th Street www.lvcc.com 702-385-7367</p> <p>Las Vegas Rescue Mission (Shelter for men, women, children) 480 W. Bonanza (between D and F Streets) www.vegasrescue.org 702-382-1766</p> <p>Legal Aid Center of Southern Nevada 725 E. Charleston Blvd. www.lacsn.org 702-386-1070</p> <p>National Guardianship Association 174 Crestview Drive Bellefonte PA 16823 www.guardianship.org 877-326-5992</p> <p>Nevada Legal Services 530 South Sixth Street www.nlslaw.net 702-386-0404</p> <p>Nevada Division of Welfare and Supportive Services dwss.nv.gov 702-486-1001 (Henderson) or 702-486-9400 (Flamingo)</p> <p>PEP (Parents Encouraging Parents) 7211 W. Charleston Blvd. www.nvpep.org 702-388-8899</p> <p>Safe House (Shelter for Women/Children) www.safehousenv.org 702-451-4203 (Main) or 702-564-3227 (24 hour)</p>	<p>Salvation Army (Day Resource Center) West Owens www.salvationarmysouthernnevada.org 702-701-5368</p> <p>Southern Nevada Senior Law Program www.snsnp.org 702-229-6596</p> <p>The Shade Tree (Women/Children Shelter) 1 West Owens (at Main) www.theshadetree.org 702-385-0072</p> <p>Southern Nevada Adult Mental Health Services 6161 W. Charleston Blvd. http://www.health.nv.gov/ 702-486-6000</p> <p>Southern Nevada Health District Immunization Project www.southernnevadahealthdistrict.org/immunizations 702-759-1000</p> <p>State Bar of Nevada's Lawyer Referral Service 600 East Charleston Blvd. https://nvbar.org/for-the-public/find-a-lawyer/lrs/ 702-382-0504</p> <p>UNLV William S. Boyd School of Law Library 4505 S. Maryland Pkwy. www.law.unlv.edu/law-library 702-895-2400</p> <p>YMCA Parent Education Classes 4141 Meadows Lane www.lasvegasyymca.org 702-877-9622</p>
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Nevada Law Websites:

<p>Clark County Law Library https://www.clarkcountynv.gov/government/departments/law_library/index.php</p> <p>Constitution: Nevada State www.leg.state.nv.us/Const/NVConst.html</p> <p>Legislative Session Information www.leg.state.nv.us/session</p>	<p>Nevada Law Library www.leg.state.nv.us/law1.cfm</p> <p>Nevada Supreme Court https://nvcourts.gov/supreme</p> <p>William S. Boyd School of Law Library https://law.unlv.edu/</p>
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Small Claims Court Glossary

Appeal: To seek review (from a lower court's decision) from a higher court.

Bond: An amount of money required to insure payment of a debt if certain circumstances occur (such as an appeal to a higher court) or a certain time lapses.

Breach of Contract: Violation of a contractual obligation by failing to perform one's own promise, by repudiating it, or by interfering with another party's performance.

Brief: A written statement setting out the legal contentions of a party in litigation, especially on appeal; consists of legal and factual arguments and the supporting authorities.

Complaint: The initial pleading that starts a civil action and states the basis for the court's jurisdiction, the basis for the plaintiff's claim and the demand for relief.

Counterclaim: A claim for relief asserted against an opposing party after an original claim has been made; especially a defendant's claim in opposition to or countering the plaintiff's claim.

Examination of judgment debtor: An order that requires the judgment debtor to appear in court, answer questions under oath and provide evidence about their property.

Injunction: A court order commanding or preventing an action.

Judgment creditor: A person having a legal right to enforce execution of a judgment for a specific sum of money.

Judgment debtor: A person against whom a money judgment has been entered but not yet satisfied.

Lien: A legal right or interest that a creditor has in another's property which usually lasts until the debt or duty that is secured is satisfied.

Mediation: A method of non-binding dispute resolution involving a neutral third party who tries to help the disputing parties reach a mutually agreeable solution.

Questions of Fact: A factual issue that has not been predetermined and authoritatively answered by the law and does not involve what the law is on a given point.

Questions of Law: An issue to be decided by the judge, concerning the application or interpretation of the law or an issue about what the law is on a particular point.

Resident Agent: A person authorized to accept service of process for another entity, especially a corporation in a particular jurisdiction.

Service of Process: The formal delivery of a writ, summons, or other legal process.

Subpoena: A writ or order commanding a person to appear before a court or other tribunal, subject to a penalty for failing to comply.

Subpoena *Duces Tecum*: A subpoena ordering the witness to appear in court and to bring specified documents, records or things.

Summons: A writ or process commencing the plaintiff's action and requiring a person to appear in court and answer questions.

Writ of Execution: A court ordered writ authorizing an executive officer to carry a judgment into effect.

Writ of Garnishment: A court ordered writ authorizing an executive officer to seize a judgment debtor's property (usually wages or bank account) for the purpose of paying a debt.

SAMPLE SMALL CLAIMS FORMS ATTACHED ON THE FOLLOWING PAGES.

FOR THE MOST UP-TO-DATE FORMS, CHECK:

WWW.CIVILLAWSELFHELPCENTER.ORG

Small Claims Forms

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Overview of the Small Claims Process

(Las Vegas & North Las Vegas Justice Court)



Plaintiff must send DEMAND LETTER to Defendant by certified mail. Plaintiff must wait 10 business days after mailing to file case.



Plaintiff files SMALL CLAIMS COMPLAINT. Must provide court clerk with complaint, demand letter, and proof of mailing, and must pay filing fee. Plaintiff will receive court date from court clerk on Small Claims Summons at the bottom of the complaint.



DEFENDANT IS SERVED. Plaintiff must have Defendant served by a third party at least 10 business days before scheduled court date. Plaintiff must file Proof of Service before hearing date.



If Plaintiff HAS NOT served complaint on Defendant 10 days prior to court date, Plaintiff must file a MOTION TO CONTINUE, serve Defendant with the complaint and new trial date, and file proof of service with court at least 10 days before new court date.



SMALL CLAIMS HEARING HELD. Case is heard by Justice of the Peace.



If Defendant DOES NOT attend hearing, **DEFAULT for Plaintiff.** Plaintiff must prove case to get a default judgment.



If Defendant disagrees with **DEFAULT JUDGMENT,** file Motion to Set Aside Default Judgment.

If Plaintiff DOES NOT attend hearing, case **DISMISSED.**



If Plaintiff disagrees with **DISMISSAL,** file Motion to Set Aside Dismissal.

Judge issues a **JUDGMENT.**



If either party disagrees with **JUDGMENT,** file APPEAL to District Court within 5 days. Must pay filing fee, cost bond, and judgment amount.

Overview of the Small Claims Process

(Other Than Las Vegas or North Las Vegas Justice Court)



Plaintiff must send **DEMAND LETTER** to Defendant by certified mail. Plaintiff must wait 15 business days after mailing in Henderson to file case.

Plaintiff files **SMALL CLAIMS COMPLAINT**. Must provide court clerk with complaint, demand letter, and proof of mailing, and must pay filing fee. Plaintiff will receive court date from court clerk. Plaintiff must have Defendant served with complaint and must file proof of service with court at least 10 business days before scheduled court date.

If Plaintiff **HAS NOT** served complaint on Defendant prior to court date, Plaintiff must file **APPLICATION TO RESET EXPIRED COURT DATE**, obtain new court date, serve Defendant, and file proof of service with court at least 10 days before court date.

IN HENDERSON JUSTICE COURT
Parties must mediate through Neighborhood Justice Center on court date set by clerk.
MANDATORY MEDIATION HELD.

If both sides **DO** attend mediation and reach settlement, case **CLOSED**.

If Defendant **DOES NOT** attend mediation, **DEFAULT JUDGMENT** for Plaintiff.

If Plaintiff **DOES NOT** attend mediation, case **DISMISSED**.

If both sides **DO** attend mediation but no settlement reached, case set for **HEARING**.
(In Henderson, hearing held same date.)

SMALL CLAIMS HEARING HELD. Case is heard by Justice of the Peace.

If Defendant **DOES NOT** attend hearing, **DEFAULT JUDGMENT** for Plaintiff.

If Plaintiff **DOES NOT** attend hearing, case **DISMISSED**.

If either party disagrees with **JUDGMENT**, file **APPEAL** to District Court within 5 days. Must pay filing fee, cost bond, and judgment amount.

JUSTICE / MUNICIPAL CIVIL COURT COVER SHEET

_____ Court
Case No. _____
(Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)

Plaintiff(s) (name/address/phone):	Defendant(s) (name/address/phone):
Attorney (name/address/phone):	Attorney (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 (Writs 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 Protective Order <input type="checkbox"/> Request for Extended Protective Order (Non-Domestic Violence)
Contract Case 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 Filings 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

JUSTICE COURT, LAS VEGAS TOWNSHIP Clark County, Nevada		Case No. _____
Name and Address of Plaintiff(s):		Department No. _____
SMALL CLAIMS COMPLAINT		
Plaintiff(s)' Email Address		
Plaintiff(s)' Telephone Number		
VERSUS		
Name and Address of Defendant(s)		
Defendant(s)' Telephone Number		

STATE OF NEVADA)
COUNTY OF CLARK)

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

_____;

that the Justice Court or the Las Vegas Township, in the County of Clark, State of Nevada, is the proper venue for this action pursuant to NRS 73.010. I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Signature of Affiant _____ Dated _____
Print Name _____ Attorney for _____

ORDER TO APPEAR

NOTICE: YOU HAVE BEEN SUED. THE COURT MAY ENTER A JUDGMENT AGAINST YOU WITHOUT YOUR PRESENCE UNLESS YOU APPEAR AT THE TRIAL ON THE FOLLOWING DATE:

TRIAL DATE: _____ **TRIAL TIME:** _____ **LOCATION:** _____

Any evidence, including receipts, pictures, or documents that are necessary to prove your case **MUST** be emailed to SmallClaimsExhibits@clarkcountynv.gov no later than one (1) day prior to your trial. In the subject line, please include the case number and trial date. Any witnesses should appear with you at the time of trial. Those wishing to appear by alternate means should submit a request no later than two (2) judicial days prior to your trial.

Justice Court, Henderson Township
CLARK COUNTY, NEVADA

Name:

Address:

Telephone:

Plaintiff,

---VS---

Name:

Address:

Telephone:

Defendant,

CASE NO. _____

DEPT NO. _____

AFFIDAVIT OF COMPLAINT
SMALL CLAIMS

STATE OF NEVADA)
COUNTY OF CLARK)

I, *(insert your full name)* _____, state that the Defendant owes the Plaintiff the sum of
\$ _____. The reason for this indebtedness is:

Demand for payment has been made, and the Defendant refuses to pay the same. Henderson Justice Court, in the County of Clark, State of Nevada has jurisdiction because the defendant resides, does business in, or is employed in Henderson Township at the time of the filing of the complaint, or was so when the cause of action arose; or in cases involving injury to the person or property, Henderson Township 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 declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct (NRS 53.045).

(Affiant's Signature)

(Date)

SUMMONS & ORDER TO APPEAR

NOTICE: YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU APPEAR ON THE FOLLOWING DATE.

YOU ARE HEREBY ORDERED TO APPEAR FOR TRIAL ON THE PLAINTIFF'S CLAIM AT:

HENDERSON JUSTICE COURT ▪ 243 WATER STREET ▪ HENDERSON, NEVADA 89015

on the _____ day of _____, 20____, at the hour of **8:30AM** in Dept. # _____ and present any defense you may have. All parties who appear in Court must be authorized to potentially enter into binding agreements through a mediation process. You are further notified that in the event you do not appear on time, judgment will be given against you in the amount claimed due by the Plaintiff, which may result in the garnishment of wages and the seizure of property. **IT IS MANDATORY TO BRING WITH YOU ALL WITNESSES AND AN ORIGINAL AND TWO (2) COPIES OF ANY EVIDENCE, RECEIPTS OR BOOKS NECESSARY TO PROVE YOUR CASE.** INDIVIDUAL PIECES OF EVIDENCE SHOULD BE ORGANIZED AND CLEARLY MARKED FOR REFERENCE FOR THE COURT.

PLEASE CONTACT HENDERSON JUSTICE COURT TO CONFIRM COURT DATE: (702) 455-7980.

JUSTICE COURT, TOWNSHIP OF _____
CLARK COUNTY, NEVADA

PLAINTIFF *(the party suing)*

Case No.: _____
Dept. No.: _____

(Name)

(Street Address)

(City, State, Zip)

(Telephone Number)

(E-Mail Address)

SMALL CLAIMS COMPLAINT

- VERSUS -

DEFENDANT *(the party being sued)*

(Name)

(Street Address)

(City, State, Zip)

(Telephone Number)

(E-Mail Address)

I, *(insert your name)* _____, state that the
Defendant named above owes Plaintiff the sum of *(insert amount owed)* \$_____ for *(describe why amount is owed)*

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

Pursuant to NRS 53.045, I declare under the penalty of perjury under the law of the State of Nevada that
the foregoing is true and correct.

(Date)

(Print or Type Your Full Name)

(Your Signature)

SUMMONS AND ORDER TO APPEAR

**NOTICE: YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU APPEAR ON
THE FOLLOWING DATE.**

You are hereby ordered to appear for trial on the Plaintiff's claim at the Justice Court located at:

_____, Courtroom No. _____,
on _____, _____, at the hour of _____ and present any defense you
may have. You are further notified that in the event you do not appear, default judgment will be given against
you in the amount claimed due by the Plaintiff, which may result in the garnishment of wages and the seizure
of property. **PLEASE BRING WITH YOU ALL WITNESSES AND AN ORIGINAL AND 2 COPIES OF ANY EVIDENCE, RECEIPTS, OR
BOOKS NECESSARY TO PROVE YOUR CASE.**

APPROPRIATE COURTROOM ATTIRE REQUIRED.

NO SHORTS, HALTER, OR TANK TOPS. SHOES ARE REQUIRED. NO FOOD OR DRINK PERMITTED. NO SMOKING. CHILDREN MUST REMAIN QUIET.

JUSTICE COURT, LAS VEGAS TOWNSHIP Clark County, Nevada <hr/> Name of Plaintiff(s): <hr/> <div style="text-align: center; border-top: 1px solid black; border-bottom: 1px solid black; padding: 2px;">VERSUS</div> <hr/> Name of Defendant(s): <hr/>	Case No. _____ Department No. _____ <div style="text-align: center;">PROOF OF SERVICE (for use by Plaintiffs in Small Claims Cases)</div>
---	--

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 and Summons, ☐ Amended Small Claims Complaint and Summons, and that I served the same on Defendant (insert Defendant's name) _____ on (insert date and time you served the documents) _____ the ____ day (date) of _____ (month), 20 ____, (year) at the hour of ____ M., by (complete appropriate paragraph below):

☐ **Personal service per JCRCP 4(d)(6):** Delivering and leaving a copy with Defendant at (insert address at which you served) _____.

☐ **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) _____.

☐ **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, certified or registered mail, return receipt requested, addressed to Defendant at (insert Defendant's address) _____.
(A copy of the signed return receipt must be attached.)

☐ **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: _____ Phone: _____

You MUST check one of the following boxes AND have this affidavit notarized (bottom left) or sign the unsworn declaration per NRS 53.045 (bottom 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 as a process server. I am either exempt as a peace officer; or I am not engaged in the business of a process server as I am serving without compensation, and on behalf of a litigant who is a natural person and not a business entity, and I am not serving legal process more than three times this calendar year.

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20 _____. NOTARY PUBLIC in and for the County of _____, State of _____.	"I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct." (Signature): _____ (Date): _____
--	--

AFFIDAVIT OF SERVICE

STATE OF NEVADA)
 :SS
COUNTY OF CLARK)

_____ being duly sworn says: That at all times herein affiant was and is a citizen of the United States, over 18 years of age, not a party to or interested in the proceeding in which this affidavit is made. That affiant received _____ copy(ies) of the Affidavit of Complaint Small Claims on the _____ day of _____, 20_____ and served the same on the _____ day of _____, 20_____ by:

(Affiant must complete the appropriate paragraph)

1. Delivering and leaving a copy with the Defendant _____ at *(insert address)* _____.
2. Serving the Defendant _____ by personally delivering and leaving a copy with _____, a person of suitable age and discretion residing at the Defendant's usual place of abode located at *(insert address)*: _____

(Use paragraph 3 for service upon agent, completing A or B)

3. Serving the Defendant _____ by personally delivering and leaving at: *(insert address)* _____.
 - a. With _____ as _____, an agent lawfully designated by statute to accept service of process;
 - b. With _____, pursuant to NRS 14.020 as a person of suitable age and discretion at the above address, which address is the address of the resident agent as shown on the current certificate of designation filed with the Secretary of State.
4. **You must obtain an Order from the Judge prior to service by mail of an Affidavit of Complaint.** Personally depositing a copy in a mailbox of the United States Post Office, enclosed in a sealed envelope postage prepaid *(check appropriate method)*:
_____ Certified mail, return receipt requested _____ Registered mail, return receipt requested
addressed to the Defendant _____ at Defendant's last known address
which is: *(insert address)* _____
(For valid service by mail, a copy of the Certificate of Mailing or Return Receipt must be attached hereto.)

Pursuant to NRS 53.045, I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct. Executed in the State of Nevada, County of Clark.

(Date)

(Signature of Person Making Service)

(Phone Number)

(Printed Name of Person Making Service)

NOTATIONS

JUSTICE COURT, TOWNSHIP OF <small>(insert township name)</small> _____, Clark County, Nevada	Case No. _____ Department No. _____
Name of Plaintiff(s): _____	AFFIDAVIT OF SERVICE
VERSUS	
Name of Defendant(s): _____	

I, (Insert name of person performing service) _____, having a telephone number of (insert telephone number) _____ and ☐ residential or ☐ business address of (insert your address) _____, and 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 (insert name of documents you served) _____; and that I served the same on Defendant (insert Defendant's name) _____ ON (insert date and time you served documents) _____, 20____, at the hour of _____.M., by (check one box and complete the paragraph that follows):

☐ **Personal service per JCRCP 4(d)(6):** Delivering and leaving a copy with Defendant at (insert address at which you served) _____.

☐ **Substitute service per JCRCP 4(d)(6) (other than Orders for Protection):** 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) _____.

☐ **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, certified or registered mail, return receipt requested, addressed to Defendant at (insert Defendant's address) _____.
(A copy of the signed return receipt must be attached.)

☐ **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) _____.

(check one:)

☐ 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 as a process server. I am either exempt as a peace officer; or I am not engaged in the business of a process server as I am serving without compensation, and on behalf of a litigant who is a natural person and not a business entity, and I am not serving legal process more than three times this calendar year.

SIGN ONE OF THE BOXES BELOW. If you select the left box, you must also have this form notarized.	
(Signature): _____ (Date): _____ SUBSCRIBED AND SWORN to before me this _____ day of _____, 20____. _____ NOTARY PUBLIC in and for the County of _____, State of _____.	"I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct." (Signature): _____ (Date): _____

JUSTICE COURT, LAS VEGAS TOWNSHIP Clark County, Nevada		Case No. _____
Name and Address of <u>Defendant / Counterplaintiff:</u>		Department No. _____ <div style="text-align: center;">SMALL CLAIMS COUNTERCLAIM</div>
Counterplaintiff's Email Address:		
Counterplaintiff's Telephone Number:		
VERSUS		
Name and Address of <u>Plaintiff(s) / Counterdefendant(s):</u>		

STATE OF NEVADA)
 COUNTY OF CLARK)

I, (insert your name) _____, being first duly sworn, depose and say: That the
 Counterdefendant is indebted to the Counterplaintiff in the sum of \$ _____; that the reason for this indebtedness is:

_____;

that the Justice Court or the Las Vegas Township, in the County of Clark, State of Nevada, is the proper venue for this action pursuant to NRS 73.010. I declare under penalty of perjury under the laws of the State of Nevada that the foregoing is true and correct.

Signature of Affiant _____ Dated _____
 Print Name _____ Attorney for _____

ORDER TO APPEAR

NOTICE: YOU HAVE BEEN SUED. THE COURT MAY ENTER A JUDGMENT AGAINST YOU WITHOUT YOUR PRESENCE UNLESS YOU APPEAR AT THE TRIAL ON THE FOLLOWING DATE:.

TRIAL DATE: _____ TRIAL TIME: _____ LOCATION: _____

Any evidence, including receipts, pictures, or documents that are necessary to prove your case **MUST** be emailed to SmallClaimsExhibits@clarkcountynv.gov no later than one (1) day prior to your trial. In the subject line, please include the case number and trial date. Any witnesses should appear with you at the time of trial. Those wishing to appear by alternate means should submit a request no later than two (2) judicial days prior to your trial.

JUSTICE COURT, TOWNSHIP OF _____
CLARK COUNTY, NEVADA

DEFENDANT/COUNTERCLAIMANT *(party filing the counterclaim)*

Case No.: _____
Dept. No.: _____

(Name)

(Street Address)

(City, State, Zip)

(Telephone Number)

(E-Mail Address)

SMALL CLAIMS COUNTERCLAIM

- VERSUS -

PLAINTIFF/COUNTERDEFENDANT *(party being sued by the counterclaim)*

(Name)

(Street Address)

(City, State, Zip)

(Telephone Number)

(E-Mail Address)

I, *(insert your name)* _____, state that Plaintiff/Counterdefendant
owes Defendant/Counterclaimant the sum of *(insert amount owed)* \$ _____ for *(describe why amount is owed)*

that demand for payment has been made; that Plaintiff/Counterclaimant refuses to pay; and that
Plaintiff/Counterclaimant currently either resides, works, or does business in the Township of *(insert township)*
_____, Clark County, Nevada.

Pursuant to NRS 53.045, I declare under the penalty of perjury under the law of the State of Nevada that
the foregoing is true and correct.

(Date)

(Print or Type Your Full Name)

(Your Signature)

SUMMONS AND ORDER TO APPEAR

**NOTICE: YOU HAVE BEEN SUED. THE COURT MAY DECIDE AGAINST YOU WITHOUT YOUR BEING HEARD UNLESS YOU APPEAR ON
THE FOLLOWING DATE.**

You are hereby ordered to appear for trial on this counterclaim against you at the Justice Court located at:

_____, Courtroom No. _____,
on _____, _____, at the hour of _____ and present any defense you
may have. You are further notified that in the event you do not appear, default judgment will be given against
you in the amount claimed due by the Defendant/Counterclaimant, which may result in the garnishment of
wages and the seizure of property. **PLEASE BRING WITH YOU ALL WITNESSES AND AN ORIGINAL AND 2 COPIES OF ANY
EVIDENCE, RECEIPTS, OR BOOKS NECESSARY TO PROVE YOUR CASE.**

APPROPRIATE COURTROOM ATTIRE REQUIRED.

NO SHORTS, HALTER, OR TANK TOPS. SHOES ARE REQUIRED. NO FOOD OR DRINK PERMITTED. NO SMOKING. CHILDREN MUST REMAIN QUIET.

JUSTICE COURT, LAS VEGAS TOWNSHIP
Clark County, Nevada

Case No. _____

SMALL CLAIMS MEMORANDUM OF COSTS AND DISBURSMENTS

Filed By:
☐ Plaintiff
☐ Counterplaintiff

From: _____
Address: _____
City, State, Zip Code: _____, _____
Telephone No.: (____) _____

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

Date: _____

To: _____
Address: _____
City & Zip Code: _____, Nevada _____

Dear _____:

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.

If you are interested in mediating this matter with me, please contact the Neighborhood Justice Center at (702) 455-3898. Mediation is an opportunity for us to craft an agreement with a neutral third party that might keep us out of court. It is confidential, expedited, and free, and you can negotiate agreement details without a judgment being placed on your financial record.

My contact information is listed above. In the event this matter is not resolved to my satisfaction, or if I do not receive or accept an invitation to mediate, then I intend to file an action in Small Claims 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,

Signed: _____
Printed Name: _____

JUSTICE COURT, LAS VEGAS TOWNSHIP Clark County, Nevada	Case No: _____ Department No: _____
Name of Plaintiff(s) / Counterdefendant:	MOTION FOR SERVICE OF SMALL CLAIMS COMPLAINT OR COUNTERCLAIM BY CERTIFIED MAIL Filed by : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Counterplaintiff
VERSUS	
Name of Defendant(s) / Counterplaintiff:	

The undersigned ☐ Plaintiff or ☐ Counterplaintiff ("Movant") requests that the Court allow service of process to be made upon *(Name of Defendant(s) or Counterdefendant(s))* _____ by certified mail, return receipt requested. This Motion is made pursuant to JCRCP 91 and is based on the following facts:

The last known address of party on whom service was attempted was *(insert address where service was last attempted)*: _____.

The Movant is informed and believes that this is the last known address of the Defendant/Counterdefendant because *(state why you believe that to be the last known address)*:

_____.

The Movant provided file-stamped copy(ies) to a person over the age of 18 who is neither a party to nor interested in these proceedings, and that person made efforts to personally serve the Defendant(s)/Counterdefendant(s) with process but has been unable to complete service. A Declaration of Due Diligence is attached.

The Movant therefore requests that the Court enter an Order allowing the undersigned to effectuate service by sending a file-stamped copy of the (check one box) ☐ Complaint ☐ Amended Complaint ☐ Counterclaim ☐ Amended Counterclaim by certified mail, return receipt requested to the Defendant(s)/Counterdefendant(s)' last known address.

Per NRS 53.045, I declare under penalty of perjury that the foregoing is true and correct.

(Signature): _____

(Type or print name): _____

(Date): _____

JUSTICE COURT, LAS VEGAS TOWNSHIP Clark County, Nevada	Case No: _____ Department No: _____
Name of Plaintiff(s):	SMALL CLAIMS – MOTION/REQUEST FOR CONTINUANCE
VERSUS	
Name of Defendant(s):	

Upon the application of ☐ Plaintiff or ☐ Defendant it is hereby requested that the hearing scheduled for *(insert hearing date)* _____ be continued for the following reason(s):

CERTIFICATION OF MAILING
The Undersigned certifies on the _____ day of _____, 20____, a copy of the foregoing Motion/Request to Continue was mailed to _____ at _____
by depositing a copy in the United States Mail in an addressed sealed envelope, postage prepaid.
DATE: _____
NAME: _____
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): _____
(Type or print name): _____
(Date): _____

JUSTICE COURT, _____ TOWNSHIP
CLARK COUNTY, NEVADA

Plaintiff,

vs.

Defendant.

Case No. _____

Dept. No. _____

EX PARTE MOTION FOR ORDER ALLOWING
EXAMINATION OF JUDGMENT DEBTOR

Plaintiff, _____, in proper person, moves this
Court for an Order requiring the above-named Defendant to appear before this Court located at
_____ and answer questions
under oath regarding Defendant's property.

This Motion is based upon the Complaint on file and the affidavit of Plaintiff, attached
hereto.

DATED this _____ day of _____, 20____.

Per NRS 53.045, "I declare under penalty of perjury that the
foregoing is true and correct."

SUBMITTED BY: _____
Your Signature

Print Your Name

Address

City State Zip Code

Phone Number

Motion for EJD
Page 1 of 2