

INSTRUCTIONS FOR SMALL CLAIMS ACTIONS

PLEASE READ CAREFULLY AND FOLLOW THESE DIRECTIONS EXACTLY. IF YOU FAIL TO FOLLOW DIRECTIONS, YOUR CASE COULD BE DISMISSED OR DELAYED.

You are the PLAINTIFF. The person you are suing is the DEFENDANT.

To file a Small Claims case in Pahrump Justice Court:

1. You must first have DEMANDED PAYMENT in the amount of money the defendant owes to you. You must write a letter to the DEFENDANT and send it by certified mail or have it personally served. You must tell the person why he or she owes you money and that they must pay you within 15 days after he/she sent the letter, or a Small Claims case will be filed with the court. If you send the letter by return receipt, you must bring the green return receipt card to the court when filing your action. If it is served by a third party, they will need to complete an affidavit of service. You may also hand deliver the letter; if this is your choice, you must have a witness who is willing and available to testify in court that the party was served. Keep a copy of the letter for your records and bring it with you when filing your action.
2. You must be at least 18 years of age. If the person you are suing is under the age of 18, you must sue that person's parent or legal guardian.
3. Your request must be for MONEY ONLY and cannot be more than \$10,000.00. You must give up any amount over \$10,000.00. If the Defendant owes you more than \$10,000.00, YOU CANNOT SPLIT THE CLAIM AND FILE TWO SEPARATE CASES.
4. The person you are suing must live, must work, or have a business in Pahrump Township **OR** the case is involving damage to a person or property in Pahrump Township, **OR** the case involves a person who was contracted to perform an obligation at a particular place in Pahrump Township. If any of these circumstances apply now, at the time the cause of action arose or at the time the complaint is filed, you may proceed with filing your complaint with the Pahrump Justice Court. You will need the person's correct mailing address, and if possible, a street address where the person can be served.

FILING FEES:

\$.01 - \$1,000.00	\$ 46.00
\$1,000.01 - \$2,500.00	\$ 66.00
\$2,500.01 - \$5,000.00	\$ 86.00
\$5,000.01 - \$7,500.00	\$126.00
\$7,500.01 - \$10,000.00	\$176.00

Filing fees must be paid in full when you file the case. If you pay by check or money order, make the payment payable to Pahrump Justice Court.

You will receive a Small Claims package that includes: a copy of these instructions, an Affidavit of Complaint and Order, and an information sheet.

Please **neatly print or type** the information on the Affidavit and Order, filling in **all** blanks or write or type **N/A** if the blank does not apply. You **MUST** sign the Affidavit and Order **in front of a notary**. Bring the original Affidavit and Order and two copies after it has been filled out and notarized, to the court with the information sheet completely filled out and your filing fee. (The information sheet **MUST** be included with the claim.)

When you file the small claims complaint, the clerk will tell you the date your case is set for trial and your case number. Your court date will be approximately two (2) months after you file the required paperwork. If you decide to file by mail, you must send a self-addressed, stamped envelope to the court to send your copies back to you.

You must make arrangements for service of the Affidavit of Complaint and Order, and Defendant's Instructions. These will all be given to the Defendant. Service can be made by Certified Mail Return Receipt Requested at the Post Office when you have the Defendant's correct mailing address. If you only have the street address, you can have the defendant served by the Nye County Sheriff's Office or by anyone who is an American citizen over the age of 18 that has no connection with the case. The person who serves the Defendant must type or neatly print their name (and title, if they have one) below their signature on the Affidavit of Service form. For information on service by the Sheriff's Office, you can call 775-482-8110, or take your items for service to the Nye County Sheriff's Office front office. Include with your items for service a self-addressed stamped envelope so the Return of Service can be mailed to you.

The Defendant **MUST** be served at least ten (10) days before his or her hearing date and time.

After service has been made, **you** must bring proof of service to the court. Proof of service is a paper that shows that the other person received a copy of the Affidavit and Complaint and knows there is a court date – for example, the original green return receipt card from the Postal Service or the form called Affidavit of Service, filled out by the person who gave the Defendant his copy of the Affidavit of Complaint and Order, and the Defendant's Instructions.

The court must have the proof of service no later than seven (7) days before your court date. If you do not bring the proof of service to the court on time, your court date will be canceled or postponed.

When you come to court, **be on time**. If you are not here when your case is called, your case will be dismissed, and you will have to start over.

When you come to court, **bring everything you need to prove your claim**. You only get one chance. It is up to you to present your claim. This means you must prove to the judge why the other party owes you money. You may bring witnesses with you. Affidavits (written statements from a witness who could not be here) are **not** allowed. If a witness will not come on his or her own, you may use the subpoena power of the court. This needs to be done well in advance of the court date, as time will be needed for you to have the witness served. The clerk can explain how to do this.

If you plan to bring paper exhibits as evidence, please bring the original and two (2) copies of each item. If the court has to make copies for you, the charge is \$0.50 per page.

If you have a claim for a vehicle accident, you must sue the registered owner of the vehicle as well as the driver of the vehicle. The court requires TWO damage estimates.

REMEMBER, this is your claim. You must prove it. It is not up to the Defendant to disprove your claim. The court will help you file the claim, but you have to provide the information required to file the claim. If you win your case, **it is also up to you to collect the money**.

Proper courtroom clothing is required. Shorts and/or tank tops are not allowed. Shoes are required. Clothing which shows offensive slogans or pictures is not allowed. Hats and sunglasses must be removed before entering the courtroom. The use of cell phones, pagers or tablets is not allowed, and if one goes off in the courtroom, you must pay a \$25.00 contempt fee at once.

_____, _____
Telephone No.: (____) _____

DEMAND FOR PAYMENT

Date: _____

_____, 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 fifteen (15) 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. My contact information is listed above. In the event this matter is not resolved to my satisfaction, then it is my intent 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: _____

Case No: _____

Dept. _____

**IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP
COUNTY OF NYE, STATE OF NEVADA**

vs.

Name and Address of Plaintiff(s)

Name and Address of Defendant(s)

STATE OF NEVADA)
) ss.
COUNTY OF NYE)

**AFFIDAVIT OF COMPLAINT
AND ORDER**

_____, being first duly sworn, deposes and says: That the Defendant is indebted to the Plaintiff in the sum of \$ _____ plus filing fees in the amount of \$ _____; that the reason for this indebtedness is _____

that Affiant has demanded payment of the sum; that the Defendant refuses to pay the same; that one or more of the Defendant(s) (**check all that apply**) ☐ resides, ☐ does business, ☐ is employed, ☐ action involves damage to person/property, ☐ action involves contract to perform obligation at particular place, in Pahrump Township, Nye County, State of Nevada; that Affiant resides at the above address.

Plaintiff/Affiant

SUBSCRIBED AND SWORN TO before me this

_____ day of _____, 20_____

Notary Public

ORDER

The State of Nevada to the within-named Defendant, Greetings:

You are hereby ordered to appear for trial and to be prepared to answer the foregoing claim on _____, 20_____, at the hour of _____ and establish your defense against said claim. You are further notified that in the event you do not appear, judgment will be given against you for the amount of claim as stated in the above Affidavit of Complaint.

Dated: _____

Deputy Court Clerk or Justice of the Peace

Receipt of Small Claims procedures instruction sheet is hereby acknowledged.

Dated: _____

Plaintiff's Signature

IN THE SMALL CLAIMS COURT OF PAHRUMP TOWNSHIP
COUNTY OF NYE, STATE OF NEVADA

* * * * *

Case No.: _____

Court Date: _____

Court Time: _____

PLEASE TYPE OR NEATLY PRINT

PLAINTIFF: _____

ADDRESS: _____

PHONE #: _____

DEFENDANT: _____

RESIDENT AGENT (if applicable): _____

ADDRESS: _____

PHONE # _____

DEFENDANT'S EMPLOYMENT _____

DEFENDANT: _____

AMOUNT OF SUIT: _____

BRIEFLY STATE REASON: _____

HAVE YOU AND THIS PERSON EVER SUED EACH OTHER BEFORE? _____

WHEN: _____ WHERE? _____

.....

For Court Use Only:

Date filed: _____ Fee \$ _____ Rec. # _____

By: _____

Date to S/O: _____ or, mailed: _____ Cert. # _____

Date of return: _____

JUSTICE / MUNICIPAL CIVIL COURT COVER SHEET

Pahrump Township, Nye County, Nevada

Case No. _____

(Assigned by Clerk's office)

Interpreter Needed: ☐ No ☐ Yes Language: _____

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

Plaintiff(s) (name/address/phone):

Defendant(s) (name/address/phone):

E-mail Address

E-mail Address

Attorney (name/address/phone):

Attorney (name/address/phone):

Law Firm / Bar #

Law Firm / Bar #

E-mail Address

E-mail Address

I. Nature of Controversy *(please select the one most applicable filing type below)*

Civil Case Filing Types

Real Property	Torts	Protection Orders
Real Property ☐ Landlord/Tenant (Summary Eviction) ☐ Unlawful Detainer Complaint (Writs of Restitution) ☐ Other Real Property	Negligence ☐ Auto ☐ Premises Liability ☐ Other Negligence Other Torts ☐ Intentional Misconduct ☐ Other Torts	Protection Order ☐ Request for Domestic Violence Protective Order ☐ Request for Protection Order (Non-Domestic Violence) ☐ Sexual Assault Related ☐ Request for High Risk Protective Order
Contract Case Seller Plaintiff (Debt Collection) ☐ Credit Card Collection ☐ Payday Loan Collection ☐ Debt Collection Agency ☐ Other Debt Collection Other Contract Case ☐ Contract Buyer Plaintiff ☐ Other Contract Case	Other Civil Filings Other Civil Filing ☐ Contested Liens Case ☐ District Court Order to Seal Records ☐ Petition to Seal Records ☐ Other Civil Matters	Protection Order-Extension Request ☐ Request for Extended Domestic Violence Protective Order ☐ Request for Extended Protective Order (Non-Domestic Violence) ☐ Request for Extended High Risk Protective Order

Date

Signature of initiating party or representative