

Case No. \_\_\_\_\_

Dept. \_\_\_\_\_

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

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\_\_\_\_\_  
**Landlord(s) Name**

vs.

\_\_\_\_\_  
**Tenant(s) Name**

☐ and all occupants      ☐ named tenants only

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Email Address

**TENANT'S AFFIDAVIT  
IN OPPOSITION TO  
SUMMARY EVICTION**

- ☐ No Cause  
☐ Tenancy-At-Will  
☐ Perform Lease Condition  
☐ Nuisance/Waste/Assigning/Subletting  
Unlawful Business/Drug Violation

Tenant, appearing in proper person, contests this matter pursuant to NRS 40.254 and states as follows:

1. I am the tenant of the rental unit located at (insert complete address of rental unit, including city, state and zip): \_\_\_\_\_.

2. My rent (check one box) ☐ is not / ☐ is subsidized by a public housing authority or governmental agency.

3. I ☐ am not ☐ am behind in rent. (check one box) (If you are behind on rent, continue with this question and check all that apply, then complete question 4. If you are not behind on rent, move on to Page 3.)

a. ☐ I have a pending application for rental assistance with (state the name of the entity where you applied) \_\_\_\_\_.

1           b. ☐ Landlord refused to participate in my application process for rental assistance.

2           c. ☐ I have been granted rental assistance, but the Landlord refused to accept rental  
3           assistance on my behalf.

4           By checking a box above indicating that I have a pending rental assistance application, or  
5           that my landlord has refused to participate in my application or refused to accept rental assistance,  
6           I assert my affirmative defense for a stay of my eviction case.

7           4. I ☐ DO NOT ☐ DO request to mediate this issue. *(Answer the following questions if you request*  
8           *mediation.)*

9           a. ☐ I prefer *(check one box)* ☐ an in-person mediation ☐ a telephonic mediation ☐ a  
10           video-conference mediation.

11          b. ☐ The following tenants would participate in the mediation: *(check all that apply)*

12           ☐ myself ☐ other tenant(s) named: *(write the names of all the tenants who plan to be at the*  
13           *mediation)*

14           \_\_\_\_\_

15          c. A mediator may contact me/the tenants at the following:

16           i. Phone number: *(insert the best phone number for the mediator to reach participants)*

17           \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

18           ii. Email: *(insert the best email for the mediator to reach participants)*

19           \_\_\_\_\_

20           iii. Address: ☐ rental property address ☐ other *(insert the best address for the mediator*  
21           *to mail to)* \_\_\_\_\_

22           \_\_\_\_\_

23           iv. ☐ I require an interpreter in the following language: ☐ Spanish ☐ Other *(insert*  
24           *language)* \_\_\_\_\_

TENANTS: Find the Question (5, 6, 7, or 8) that corresponds to the notice you received and complete that section only. Then move on to Page 6.

**QUESTION 5: NUISANCE, WASTE, ASSIGNING/SUBLETTING, UNLAWFUL BUSINESS**

(Complete this question ONLY if you received a Three-Day Notice to Quit for Nuisance/Waste/Etc.)

5. I received a three-day notice pursuant to NRS 40.2514. I disagree with this notice for the following reasons (check all that apply and provide your written explanation at end of this section):

☐ The acts Landlord describes in the notice do not meet the legal definition of “nuisance.”<sup>1</sup>

☐ Other defense (explain below).

(State the facts and circumstances that support the defenses you checked above.)

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☐ Check if attaching continuation pages

**QUESTION 6: LEASE VIOLATION**

(Complete this question ONLY if you received a Five-Day Notice to Perform Lease Condition or Quit.)

6. I received a five-day notice stating that I violated my lease agreement. I disagree with this notice for the following reasons (check all that apply and provide your written explanation at end of this section):

☐ The conduct Landlord alleges does not violate any term of my lease agreement.

☐ I fixed (or “cured”) the alleged violation of my lease agreement within five days after Landlord’s notice to me.

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<sup>1</sup> NRS 40.2514(4) defines “nuisance” as “conduct or ongoing condition which constitutes an unreasonable obstruction to the free use of property and causes injury and damage to other tenants or occupants of that property or adjacent buildings or structures” or violation of the controlled substance laws in NRS 453.011 TO 453.552.

☐ Landlord's notices did not comply with Nevada law because the Notice to Perform Lease Condition or Quit did not specifically identify the relevant lease provisions, the alleged violations, and what I needed to do to save the lease

☐ Other defense *(explain below)*.

*(State the facts and circumstances that support the defenses you checked above.)*

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☐ Check if attaching continuation pages

### **QUESTIONS 7: "NO CAUSE"**

*(Complete this question ONLY if you received a Seven-Day or Thirty-Day "No Cause" Notice to Quit.)*

7. I received a seven-day or thirty-day notice to vacate my rental premises. I disagree with the notice for the following reasons *(check all that apply and provide your written explanation at end of this section)*:

☐ My lease agreement has not expired and will not expire until *(insert date)* \_\_\_\_\_.

☐ My lease agreement has expired, but Landlord renewed my tenancy by accepting rent for a new rental period and/or entering into a new lease agreement.

☐ I received a thirty-day notice to quit and am 60 years of age or older or have a physical or mental disability. I gave Landlord written request (along with proof of my age or disability) on *(insert date)* \_\_\_\_\_, asking to continue in possession for an additional 30 days. Landlord *(check one)* ☐ approved my request on *(insert date)* \_\_\_\_\_, or ☐ rejected my request,<sup>2</sup> or ☐ has not responded to my request.

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<sup>2</sup> If Landlord rejected your written request, NRS 40.251(4) allows you to file a petition with the court asking for the additional 30 days..

☐ Landlord's notices did not comply with Nevada law because the thirty-day notice did not notify me of my right to request to be allowed to continue in possession for an additional 30 days as required by NRS 40.251(3).

☐ Other defense *(explain below)*.

*(State the facts and circumstances that support the defenses you checked above.)*

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☐ Check if attaching continuation pages

#### **QUESTION 8: TENANT-AT-WILL**

*(Complete this question ONLY if you received a Five-Day Tenancy-At-Will Notice to Quit.)*

8. I received a five-day notice to vacate my rental premises. I disagree with the notice for the following reasons *(check all that apply and provide your written explanation at end of this section)*:

☐ I am not a tenant-at-will because I pay rent to the Landlord in the amount of *(insert amount of rent)* \$ \_\_\_\_\_ per *(check one)* ☐ month, ☐ week, or ☐ other *(specify)*

\_\_\_\_\_.

☐ I am not a tenant-at-will because I have an agreement with my Landlord regarding the length of my tenancy *(explain the agreement at end of this section)*:

☐ Other defense *(explain below)*.

*(State the facts and circumstances that support the defenses you checked above.)*

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☐ Check if attaching continuation pages

TENANTS: Complete the remainder of this form (check all boxes that apply to you, date, print your name, and sign).

☐ 9. This action is brought in violation of the Federal Fair Housing Act or Nevada laws forbidding discrimination in housing (*explain below*).

☐ 10. This action is brought in violation of NRS 118A.510, which prohibits a landlord from terminating a tenancy in retaliation for a tenant having engaged in certain protected acts (*explain below*).

☐ 11. I am a tenant on property that has been foreclosed upon and sold. The new owner (*check all that apply*):

☐ Failed to serve me with the notice of change of ownership by NRS 40.255(2);

☐ Is violation NRS 40.255 by failing or refusing to grant me an additional 60 days on the property;

☐ Is attempting to use the summary eviction procedure in violation of NRS 40.255(1), which requires the new owner to use the formal unlawful detainer procedure under NRS 40.290 to 40.240.

☐ 12. Landlord's notice did not comply with the Nevada law because (*check all that apply*):

☐ One or more of the notices was not served on me as required by NRS 40.280;

☐ The Notice of Unlawful Detainer did not identify the court that has jurisdiction over this case;

☐ The Notice of Unlawful Detainer did not notify me of my right to contest this matter by filing an affidavit with the court;

☐ The Notice of Unlawful Detainer did not notify me of my right to request that the court stay the execution of the order for a period not exceeding 10 days.

☐ This is a "designated eviction: under NRS 40 and Landlord's notice did not advise me of the availability of rental assistance; my right to assert an affirmative defense if I

1 have a pending application for rental assistance or if my landlord has refused to  
2 participate or accept assistance, and my right to a stay if I assert that defense; my  
3 right to file a claim for wrongful eviction if landlord tries to evict me after receiving  
4 rental assistance for any reason that existed during the period of default; or my right  
5 to a stay for mediation.

6 THEREFORE, I request that Landlord take nothing requested in Landlord's  
7 Affidavit/Complaint, or alternatively, for a delay in the issuance of an order for eviction.

8 *I understand that as long as the filing of this affidavit is timely, I will receive notice of my hearing*  
9 *telephonically from the court at (provide number) \_\_\_\_\_*  
10 ***and***  
11 *I understand that it is my responsibility to follow-up with the court weekly,*  
12 *at 775-751-7050, if I do not hear from them.*

13 I declare under penalty of perjury the laws of the State of Nevada that the foregoing is true  
14 and correct.

15 \_\_\_\_\_  
16 (Date) (Print Name) (Signature)