

IN THE JUSTICE COURT OF SPARKS TOWNSHIP
COUNTY OF WASHOE, STATE OF NEVADA

Landlord Name: _____

Landlord,

v.

Tenant Name: _____

Street Address: _____

City, State, Zip: _____

Telephone: _____

Email Address: _____

Tenant.

Case No.: _____

Dept. No.: _____

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

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

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 premises, including city, state, and zip code)*: _____.

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

TENANTS: Find the following question (3, 4, 5, or 6) that corresponds to the notice you received. Complete that section only, then skip to page 3, line 19.

Question 3: Nuisance, Waste, Assigning/Subletting, Unlawful Business. *(Complete this question ONLY if you received a Three-Day Notice to Quit for Nuisance/Waste/Etc.)*

3. 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)*:

a) The acts Landlord describes in the notice do not meet the legal definition of "nuisance¹."

b) Other defense *(explain below)*: _____

_____ check box if additional sheets are attached.

¹ NRS 40.2514(4) defines "nuisance" as "conduct or an 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.

1 **Question 4: Lease Violation.** (Complete this question ONLY if you received a Five-Day Notice to
2 Perform Lease Condition or Quit.)

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

5 a) The conduct Landlord alleges does not violate any term of my lease agreement.

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

8 c) Landlord’s notices to me did not comply with Nevada Law because the Notice to Perform
9 Lease Condition or Quit did not specifically identify the relevant lease provisions, the alleged
10 violations, and what I needed to do to save the lease.

11 c) Other defense (explain below): _____

12 _____
13 _____ check box if additional sheets are attached.

14 **Question 5: No Cause.** (Complete this question ONLY if you received a Seven-Day or Thirty-Day “No
15 Cause” Notice to Quit.)

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

18 a) My lease agreement has not expired and will not expire until (insert date): _____

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

21 c) I received a thirty-day notice to quit and am 60 years of age or older **or** have a physical or
22 mental disability. I gave Landlord a written request (along with proof of my age or disability) on (insert date)
23 _____, asking to continue in possession for an additional thirty days. Landlord (check one)

24 approved my request on (insert date) _____, or rejected my request², or has not
25 responded to my request.

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28 _____

² If Landlord rejected your written request, NRS 40.251(6) allows you to file petition with the court asking for the additional thirty days.

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

4 e) Other defense (explain below): _____
5 _____
6 _____ check box if additional sheets are attached.

7 **Question 6: Tenancy-At-Will.** (Complete this question ONLY if you received a Five-Day Tenancy-At-
8 Will Notice to Quit.)

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

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

13 My lease agreement has not expired and will not expire until (insert date): _____.

14 b) I am not a tenant-at-will because I have an agreement with my Landlord regarding the
15 length of my tenancy.

16 c) Other defense (explain below): _____
17 _____
18 _____ check box if additional sheets are attached.

19 **TENANTS:** Complete the remainder of this form:

20 7. Landlord is discriminating against me in violation of the Federal Fair Housing Act and/or
21 Nevada laws.

22 8. Landlord is retaliating against me for having engaged in certain protected acts.

23 9. Landlord's Notice was not served on me as required by law, or the Notice did not in other
24 ways comply with Nevada law.

25 10. I am a tenant on property that has been foreclosed upon and sold. The new owner:

26 a) failed to serve me with the notice of change of ownership required by Nevada law;

27 b) violated the law by failing or refusing to give me an additional 60 days in the property;

28 ///

1 c) is using the summary eviction process in violation of the law, which requires the formal
2 unlawful detainer process.

3 **TENANTS:** State the facts and circumstances that support the defenses (7 thru 10) you checked above:
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14 Therefore, I ask that Landlord receive nothing requested in Landlord's Notice to Pay Rent or Quit
15 and/or Affidavit/Complaint.

16 *I understand that if the filing of this Affidavit is timely,*
17 *I will receive a notice of hearing by e-mail and/or regular U.S. Mail.*

18 I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true
19 and correct.

20 Dated: _____

21 Signature: _____

22 Print name: _____

23 Address: _____

24 City, State, Zip: _____

25 Telephone: _____

26 Email Address: _____
27
28