

Instructions for filing small claims: PLEASE READ COMPLETELY

The party you are suing must either reside in or be employed in the Sparks Township. If you are suing a business, the business must be physically located in the Sparks Township.

SMALL CLAIMS APPLICATION FORM:

1. Complete form, leaving case number, Court date and time blank.
 2. DO NOT include court costs in "Amount of Suit", these costs will be added separately. Amount due should be the exact amount due unless your claim exceeds the jurisdictional limit of \$10,000.00. If your claim does exceed the limit but you still wish to pursue your claim through this court, you may only file for \$10,000.00 **BUT** you waive your right to collect the remaining balance.
 3. "Reason"- Please state clearly, the circumstances for the amount due. For example, if the monies owed are the result of a tenant vacating a rental unit, you need to include a breakdown of what is owed for rent, damages, late fees, etc. Use a separate sheet of paper if necessary.
 4. If your claim is for **vehicle damages** you will need to submit the following with your claim:
 - a. If damages have been repaired, we will need an invoice and you will need to note on your claim that damages have been repaired.
 - b. If damages HAVE NOT been repaired, you must submit three (3) original estimates when filing your claim and you must file for the lowest of the 3 estimates. However, if the vehicle was totaled, you will only need to submit a statement from either a repair shop or your insurance company stating so, along with a copy of a blue book estimate indicating the value of your vehicle before the accident.
 - c. If your insurance company has reimbursed you for the damages, you may only file for your insurance deductible.
 - d. If the other driver was cited for a violation which may show they were the cause of the accident, you must provide the court with a disposition of their citation showing that they were found guilty of the accident, unless you have something in writing from the Defendant admitting liability for the accident.
 - e. If there is no conviction to show that the defendant is liable, it will be up to you to prove that the defendant was at fault. You are urged to have witnesses to the accident appear in court.
 - f. If the damage to the vehicle was a result of improper workmanship, you as the plaintiff have the burden to PROVE that the work was done improperly. This means having an expert witness testify in court on your behalf as to what or how the repair should have been made. You may need to subpoena a mechanic to testify on your behalf. Make sure to indicate on your claim whether the amount claimed is for a refund or repair costs.
1. TYPE plaintiff's name on upper portion of form just under the word plaintiff.
 2. TYPE in defendant's name, home address and employer's address, if known. If the defendant is a business, please see instructions for businesses.
 3. Under "Affidavit of Complaint", fill in the spaces with the information requested. The name of the person signing the document should appear in the blank following "I, the undersigned...". The reason for your claim should be typed in the blank following "\$_____ plus court costs for". You may summarize your reason but give as much detail as possible. If the amount due is for more than one thing, you will need to give the breakdown on this line.

Examples:

- 1) "\$925.00 plus court costs for Nonpayment of rent (\$400), late fees (\$25) and damages to unit (\$500).
- 2) "\$1000.00 plus court costs for refund of monies paid to the defendant to install engine. Engine was improperly installed. Cost to repair engine to working condition is \$1200.00"
- 3) "\$2000.00 plus court costs for repairs to vehicle damaged by defendant in automobile accident and other expenses incurred. Cost to repair vehicle \$1500.00, rental car cost \$500.00."
4. In front of a notary, sign the form above "Plaintiff or Declarant". Have your notary sign on the line below the date, crossing out the word "Deputy Clerk". Make sure that the notary stamps all copies with their notary stamp. If you will be hand delivering your claim to the court, this step is not necessary. You may sign in front of the clerk.

If you are mailing your claim send the completed forms and estimates if applicable, with **the appropriate filing fees, and a self addressed stamped envelope**. Your claim will be processed and copies will be sent to you by return mail, notifying you of your case number and court date. You will then need to forward two copies of this form to a licensed process server or the Washoe County Sheriff for service.

It is your responsibility to contact the process server or sheriff prior to appearing to verify that the defendant has been served. If you will be coming to court from out of town, you should confirm your court date 72 hours prior to the hearing. Continuances will not be granted unless they are requested at least 72 hours in advance except in case of medical emergency.

If you have any questions regarding filing your claim, please contact the court at (775)353-7600 ext. 3. Please remember to be prepared when going to court. Make sure all necessary witnesses are going to be there. If you must subpoena witnesses or documents, please contact the court at least 2 weeks prior to your court date to obtain the subpoena forms.

FILING FEES:

Claims \$1000.00 or less = \$66.00
\$1000.01 up to \$2500.00 = \$86.00
\$2500.01 to \$5000.00 = \$106.00
\$5000.01 to \$7500.00 = \$146.00
\$7500.01 to \$10,000.00 = \$196.00

Make check or money order for these fees payable to Sparks Justice Court.

You will need to make arrangements for service of your small claims action either through the Washoe County Sheriff's Department Civil Division or a private process server. We will return all service paperwork to you so that you can forward the paperwork to the agency of your choice. In any case, it is your responsibility to make sure that your defendant has been served and that proof of service has been filed with the Court prior to your hearing date. **IF PROOF OF SERVICE IS NOT FILED WITH THE COURT PRIOR TO THE HEARING DATE THE COURT WILL ASSUME THAT THE DEFENDANT WAS NOT SERVED AND YOUR CASE WILL BE REMOVED FROM THE CALENDAR.**

SPECIAL INSTRUCTIONS FOR FILING AGAINST A BUSINESS:

1. To file against a business, you must first find out whether the business is a sole ownership, partnership or a corporation. You will need to call Sparks Business License at (775)353-2360 if the business is located within the city limits or Washoe County Business License at (775)328-3733 if the business is located in the Sparks Township but outside of the city limits. The licensing bureaus will be able to tell you the names of all owners listed.
2. Your next step is to contact the Secretary of State at (775)684-5708 or via the Internet at <http://nvsos.gov>. You will need to give the name of the business. If this business is listed as a corporation, you will need to ask for the name and address of the Resident Agent as well as the names and addresses of all officers. Make sure to verify the full correct spelling of the corporate name. Your claim could be affected if you fail to sue the company exactly as it is listed with the State.
3. Once you have determined the status of the business, you will need to complete the forms appropriately. If the business is a sole ownership or a partnership, you will need to list the owners as individuals as well as the business. Example: John Doe is the sole owner of ABC Co., so you are going to file your claim against "John Doe individually and dba ABC Co.". If XYZ Inc. is a corporation and John Doe is the Resident Agent, you will file your claim against XYZ Inc. and list their actual business address in the defendant box. The Resident Agent's name and address will be typed off to the side of the box so that the Sheriff or process server will know where to serve the papers.

GENERAL INFORMATION:

1. Actions filed in Small claims court are for a money judgment only, not for the return or possession of any object(s). The amount of a money judgment will be based on actual amounts owed for services rendered or actual damages incurred and proven.
2. Obtaining a judgment in Small Claims court **DOES NOT** guarantee that you will actually be paid. If the defendant does not voluntarily pay the judgment you may have to locate attachable assets such as place of employment, bank account, property etc. The court does not locate these assets for you. If you are unable to locate assets you may request a Supplementary Hearing to bring the defendant before the court so that you may question them about the location of their assets. Please check with the clerk regarding these procedures.
3. This court has no jurisdiction to hear cases involving any medical malpractice by any type of doctor.
4. Some cases may be deemed too complicated for small claims and may be dismissed by a Judge. Examples of cases that may be too complicated are those for damages, contract disputes, employer/employee disputes, improper workmanship and breach of contract. ****Clerks cannot give legal advice regarding your claim****. If your case is dismissed without prejudice for this reason, you have the right to contact an attorney and file your claim in either the Justice Court or District Court.
5. If your claim is paid prior to the hearing date, you must notify the Court in writing so that the action can be dismissed. If you know that the written notice will not arrive before the scheduled court hearing, please call the court to remove the case from the calendar and follow it up with the written notification. If your claim is paid after judgment is entered, you must file a Satisfaction of Judgment.

****Remember, that if your claim is for ANY type of damage, you must submit 3 estimates if the damages have not been repaired. If the damages are a result of faulty workmanship, you are URGED to have an EXPERT witness present at your hearing.**

State of Nevada Licensed Process Servers

<p><u>American Process Service</u> 10580 N. McCarran Blvd. #115-130 Reno, Nevada 89503 Telephone (775) 337-1117 Email: info@renoprocess.com License #1088A & 1088</p>	<p><u>Reno Carson Messenger Service, Inc.</u> 185 Martin Street Reno, Nevada 89509 Telephone (775) 322-2424 Email: Process@renocarson.com Website: www.renocarson.com License #322</p>
<p><u>Battle Born Process Service</u> 421 W. Plumb Lane, Suite H Reno, Nevada 89509 Telephone (775) 507-7188 Cell: (775) 813-9516 Email: alex@battlebornps.com License #1876C</p>	<p><u>Smart Legal Document Service, Inc.</u> 1325 Airmotive Way, Suite 170 Reno Nevada 89502 Telephone (775) 432-2000 Facsimile (775) 432-2001 Website: www.smartlegaldocs.com License #1767C</p>
<p><u>C & H Couriers</u> 1604 Wheatgrass Drive Reno, Nevada 89509 Telephone (775) 219-2871 Email: candhcouriers@gmail.com Website: www.candhcouriers.com License #2602</p>	<p><u>Spencer Investigations, LLC</u> 1325 Airmotive Way, Suite 175 Reno Nevada 89502 Telephone (775) 786-7766 Facsimile (775) 786-7762 License #632</p>
<p><u>Legal Process Service</u> 105 Mary Street Reno, NV 89509 Telephone (775) 323-7070 Email: contact@lpsnv.com Website: www.lpsnv.com License #604</p>	<p><u>West Coast Process Service</u> 401 Court Street Reno, Nevada 89501 Telephone (775) 348-0944 Facsimile (775) 348-1502 Email: wcpreno@sbcglobal.net License #918</p>
<p><u>Nevada Judicial Services, LLC</u> 9732 State Route 445 Sparks, Nevada 89441 Telephone (775) 329-9944 Email: nvjudicialservices@yahoo.com License #903</p>	<p><u>Zane Investigations, Inc.</u> PO Box 11293 Reno, Nevada 89510 Telephone (800) 660-8177 Email: serveit@zaneinvestigations.com License #830</p>
<p><u>Northern Nevada Court Processing Services</u> Telephone (775) 622-4571 Facsimile (775) 433-1809 Email: nncs2667@gmail.com License #2667</p>	<p><u>Washoe County Sheriff's Office</u> Civil Division 911 Parr Blvd. Reno, Nevada 89512 Telephone (775) 328-3310 Website: www.washoesheriff.com Per - NRS 248.090</p>

(NOTE: THE PARTY YOU ARE SUING **MUST** RESIDE IN, BE EMPLOYED IN OR DO BUSINESS IN THE SPARKS TOWNSHIP

SERVICE BY. _____

[illegible]

AFFIDAVIT AND ORDER
IN THE SMALL CLAIMS COURT OF SPARKS TOWNSHIP IN AND FOR
THE COUNTY OF WASHOE, STATE OF NEVADA

Plaintiff

Phone No.

Case No: _____

Department: _____

Calendared: _____

Filed: _____

VS

Defendant

Phone No.

AFFIDAVIT OF COMPLAINT

STATE OF NEVADA, COUNTY OF WASHOE

I, the undersigned _____ residing at _____, being sworn, say, either upon my

Knowledge or my information and belief, defendant(s) is (are) indebted to the plaintiff in the sum of:

\$_____, plus court costs for the following reason(s) _____

This declarant has demanded payment of said sum. The defendant(s) refused to pay the same and no part has been paid. At the

Commencement of this action defendant

☐ RESIDES, ☐ DOES BUSINESS, OR ☐ IS EMPLOYED IN THE SPARKS TOWNSHIP.

Subscribed and Sworn to before me this Date: _____

Sparks, Nevada

DEPUTY CLERK/NOTARY

PLAINTIFF OR DECLARANT

ORDER

THE PEOPLE OF THE STATE OF NEVADA, to the within-named defendant(s): You are hereby directed to appear and answer the foregoing claim, in the entitled court at:

SPARKS JUSTICE COURT, 1675 E. PRATER WAY, SUITE 107 SPARKS, NEVADA 89434

On _____ at _____ M reset for _____ at _____ M

PLAINTIFF AND DEFENDANT SHOULD EACH BRING ALL BOOKS, PAPERS AND WITNESSES NEEDED, DEFENDANTS, FOR MORE INFORMATION ON WHAT TO DO NEXT; SEE THE BACK OF THIS PAPER. THE CLERKS AND JUDGES MAY NOT GIVE YOU LEGAL ADVICE.

Filed on _____ at _____ M date reset _____ at _____ M

Cynda Horning

CLERK OF THE COURT

By

Deputy Clerk

CERTIFICATE OF PERSONAL SERVICE

State of Nevada, County of Washoe

The undersigned, declares: I, was at the time of the service of the papers herein referred to, over the age of eighteen years and not a party to this action: I served the Affidavit and Order in this action by delivering to and leaving with the persons hereinafter named, a copy, at the address and on the date set forth opposite each name below, in Washoe County, Nevada:

Name of Person Served

Street Address and City Where Served

Date of Service

Place of Service was ____ a business ____ residence of party served ____ other, specify _____

Fee for service \$ _____

I declare under penalty of perjury that the foregoing is true and correct

Signature of person making affidavit

Agency Name

Agency License Number

INFORMATION FOR DEFENDANTS IN SMALL CLAIMS ACTIONS

- 1. NON-APPEARANCE:** YOU HAVE BEEN SERVED AN ORDER OF THE COURT TO APPEAR FOR TRIAL IN AN ACTION FILED AGAINST YOU IN THE SMALL CLAIMS COURT OF SPARKS TOWNSHIP. IF YOU DO NOT WISH TO CONTEST THE PLAINTIFF'S CLAIM YOU MAY: a) MAKE AN OUT-OF-COURT SETTLEMENT WITH PLAINTIFF BEFORE THE COURT DATE OR b) MAKE NO APPEARANCE AT THE TIME, IN WHICH CASE THE PLAINTIFF MAY BE GIVEN A JUDGMENT BY DEFAULT FOR THE AMOUNT CLAIMED, PLUS COSTS.
- 2. DEFENSES:** IF YOU WISH TO CONTEST THE CLAIM AGAINST YOU, YOU MUST APPEAR ON THE DATE SET FOR TRIAL WITH ALL BOOKS, PAPERS, AND WITNESSES NEEDED TO ESTABLISH YOUR DEFENSE. AT YOUR REQUEST, THE CLERK WILL ISSUE SUBPOENAS FOR THE APPEARANCE OF ANY WITNESSES YOU MAY NEED. SEE CIVIL CLERK FOR INFORMATION ON SUBPOENA FEES.
- 3. COUNTERCLAIMS:** IF YOU BELIEVE EITHER a) THE PLAINTIFF OWES YOU MORE MONEY THAN YOU OWE PLAINTIFF OR b) PLAINTIFF'S CLAIM SHOULD BE REDUCED BY A SUM PLAINTIFF OWES YOU, YOU MUST FILE A COUNTERCLAIM IF YOU WANT TO FILE A COUNTERCLAIM CONTACT THE CIVIL CLERK AS SOON AS POSSIBLE. THE PLAINTIFF WILL BE ENTITLED TO 10 DAYS NOTICE OF YOUR COUNTERCLAIM.
- 4. 10 DAYS NOTICE:** YOU ARE ENTITLED TO BE SERVED WITH THIS "AFFIDAVIT AND ORDER" AT LEAST 10 DAYS BEFORE THE TRIAL DATE. IF YOU ARE SERVED LESS THAN 10 DAYS BEFORE TRIAL, YOU MAY a) APPEAR IN COURT AND REQUEST A CONTINUANCE OR b) APPEAR IN COURT, WAIVE YOUR STATUTORY RIGHT TO SUCH SERVICE, AND PROCEED WITH THE TRIAL.
- 5. PAYMENT:** IF THE PLAINTIFF RECOVERS A JUDGMENT AGAINST YOU, HE IS ENTITLED TO IMMEDIATE PAYMENT OF THE FULL AMOUNT OF THE JUDGMENT WHICH MAY INCLUDE COURT COSTS OR THE JUDGE MAY SET UP TIME PAYMENTS. PAYMENTS SHOULD BE MADE DIRECTLY TO THE PLAINTIFF AND NOT TO THE CLERK. WHEN THE JUDGMENT HAS BEEN PAID IN FULL, PLAINTIFF SHALL ADVISE THE COURT THAT THE JUDGMENT HAS BEEN FULLY SATISFIED.
- 6. APPEAL:** IF YOU ARE DISSATISFIED WITH THE JUDGMENT, YOU MAY APPEAL THE COURT'S DECISION WITHIN 5 JUDICIAL DAYS AFTER THE DATE OF ENTRY OF THE JUDGMENT. SEE THE CLERK FOR PROCEDURE ON APPEAL.
- 7. EVIDENCE:** AT LEAST 5 DAYS BEFORE YOUR COURT DATE PLEASE PROVIDE THE ORIGINAL AND A COPY OF ANY DOCUMENTS, PICTURES STATEMENTS, ETC. THAT YOU WANT CONSIDERED AT YOUR HEARING. FAILURE TO DO SO MAY RESULT IN A DISMISSAL OR CONTINUANCE OF YOUR CASE OR ASSESSMENT OF COPY FEES AT YOUR EXPENSE.
- 8. DRESS CODE:** PERSONS WEARING TANK TOPS, SHORTS, OR CUT-OFFS WILL NOT BE ADMITTED INTO COURT. SHOES AND SHIRTS ARE REQUIRED.
- 9. IF YOU HAVE ANY FURTHER QUESTIONS CALL THE COURT AT 775-353-7600.**

BE PREPARED FOR YOUR SMALL CLAIM HEARING

1. The **hearing date** you receive today is the date and time for you to present your case. You must be prepared to fully present all witnesses and evidence at your court date. Generally, you will not be able to present other evidence at any other time. Check with the process server who served your document prior to your hearing date to make sure the defendant has been properly served.
2. To **subpoena a witness** who will not come voluntarily, the subpoena should be prepared and served at least two weeks prior to the hearing date. Subpoena forms are available at the Civil Department and can be prepared by the clerks. There is a \$25.00 witness fee plus mileage for every mile the witness must travel to get to the Court. These fees are payable at the time the subpoena is served. These fees are considered as part of the court costs and will be added to the judgment if you prevail in your suit. Please contact a process server or the Washoe County Sheriff for service of the subpoena. NOTE: No witness is obligated to appear unless the fees have been paid prior to the hearing.
3. If your case involves **damages resulting from an automobile accident**, you must provide to the court, at least five days prior to the hearing date, the police report along with three damage estimates and, if applicable, the outcome on the citation or criminal complaint.
4. At least 10 days prior to your hearing, mail a copy of your documents, pictures and statements to the opposing party and bring to the court the certificate of mailing and the originals of your documents, pictures and statements. This will assist the Judge in being prepared to hear your case. Failure to do so will result in dismissal or continuance of your case, or assessment of copy fees at your expense.
5. If the defendant, after being served, would like to make an **out-of-court settlement**, the Court can provide a “Stipulation / Judgment” form. This form must be completed, signed by both parties and filed with the Court prior to the hearing. Should the defendant default after agreeing to settlement, the plaintiff will automatically have judgment for the full amount owed by the defendant pursuant to the settlement agreement and may execute upon any appropriate assets of the defendant to try to collect the judgment.
6. If your **case settles prior to the trial date**, it is important that you notify Sparks Justice Court in writing. When **the defendant has paid the judgment amount in full**, there is a “Satisfaction/Dismissal” form available at the Court that the plaintiff **must** sign to release the defendant and conclude the case for the Court’s records. If the defendant is properly served and wishes to pay prior to the Court date, the defendant is also responsible to pay the filing and service fees unless otherwise agreed. If the plaintiff wishes to release the defendant for any other reason such as bankruptcy or improper jurisdiction, the same dismissal may be used. Mail or deliver this form to the court as follows: Sparks Justice Court, Attn: Civil Division, 1675 E. Prater Way # 107, Sparks, NV 89434. Please be sure to notify your process server of the dismissal if the case is dismissed before the defendant is served with the Small Claim.
7. If **you as the plaintiff are not personally present on the hearing date**, the case may be dismissed. If there is legal cause as to why you failed to appear, you can file a “Motion to Set

Aside Dismissal”. The clerk can provide you with this form; there is a \$46 filing fee. This motion must be filed within 6 months of the court date. If this motion is granted, the court will set a new court date and notify both parties.

8. If **you as defendant are not present on the hearing date**, the plaintiff may be awarded judgment by default. You also have 6 months from the court date to file a motion with the Court to have the default judgment set aside; there is a \$71 filing. If this motion is granted, a new hearing will be set and both parties will be notified by mail of the new date. The issuance of any execution may be stayed until the outcome of the new hearing.
9. **If you should move**, please notify the court of your new address to ensure you receive any correspondence regarding your case.
10. A plaintiff or defendant who is **dissatisfied with the decision** in the case may **appeal** within 5 “judicial” represented days (excluding the court date, weekends, and judicial holidays). See the clerk for more information on appeals.
11. You may be **represented by an attorney**, but you are responsible for the attorney fees as they are not allowed as court costs in Small Claims.