

1 Case No.: \_\_\_\_\_  
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6 **IN THE EAST FORK JUSTICE COURT**  
7 **COUNTY OF DOUGLAS, STATE OF NEVADA**

8  
9  
10 vs.

Landlord,

**TENANT'S AFFIDAVIT IN OPPOSITION TO  
SUMMARY EVICTION REGARDING  
NONPAYMENT OF RENT**

11  
12  
13  
14 Tenant,

15 Tenant, appearing in proper person, contests this matter pursuant to NRS  
16 40.253 and states as follows:

- 17 1. I am the tenant of the rental unit located at:  
18 *(Insert complete address of rental unit, including city, state and zip):*

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

- 21 3. I request mediation for this issue:  *no*  *yes*

22 This request is only for residential tenants. *(Answer the following questions if you  
23 request mediation.)*

- 24 a. I prefer mediation to occur by the following means *(check one box)*:

25  *In-person*  *Telephonically*  *Video-conference*

- 26 b. The following tenants would participate in the mediation: *(check all that  
27 apply)*

28  *Myself*  *other tenant(s): (list the names of tenants attending mediation)*

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

- i. Phone number: *(List the best phone number for participants)*

\_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

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

1 \_\_\_\_\_  
2  
3 iii. Address:  Rental Property Address  
4  Other (insert another address for the mediator to mail to):

5  
6 iv. I require an interpreter in the following language:  
7  Spanish  Other (name language) \_\_\_\_\_

8 4. I received a notice stating that I owe rent. I assert the following defenses  
9 to the notice (check all that apply):

10 a.  I have a pending application for rental assistance with (state the **date**  
11 **and name** of the entity where you applied):

12 b.  Landlord refused to participate in my application process for rental  
13 assistance.

14 c.  I was granted rental assistance, but the Landlord refused to accept  
15 rental assistance on my behalf.

16 d.  I paid my rent in full.

17 e.  I presented payment of my rent in full, but Landlord refused to  
18 accept it.

19 f.  Landlord accepted partial payment of my rent.

20 g.  The amount Landlord is demanding in the notice includes costs or  
21 fees that are not periodic rent or late fees.

22 h.  Landlord is charging an unreasonable late fee, or a late fee that  
23 exceeds 5% of the amount of the periodic rent.

24 i. **(To raise this defense you must deposit your rent into the court's rent escrow**  
25 **account.)**

26  I gave Landlord written notice describing Landlord's failure to  
27 maintain my rental unit in a habitable condition. Landlord did not fix,  
28 or make a reasonable effort to fix, the habitability problem within 14  
days after my notice. Therefore, I am withholding payment of rent.

29 j. **(To raise this defense your rent must have been current at the time you gave**  
30 **written notice to Landlord.)**

31  I gave Landlord written notice of an "essential services" problem  
32 at my rental unit (heat, air conditioning, running or hot water, electricity,  
33 gas, a working door lock, or other essential item or service). Landlord  
34 did not fix, or make a reasonable effort to fix, the problem within 48  
35 hours after my notice. Therefore, I am withholding payment of rent.

36 i. I  have not  have attached a copy of the notice I gave  
37 to the Landlord

38 k.  I corrected a habitability problem at my rental unit and am  
deducting the cost from my rent after giving Landlord an itemized  
statement. I gave Landlord written notice of the habitability problem

1 and stated my intention to repair. Landlord did not fix the problem  
2 within 14 days after my notice.

3 i. I  *have not*  *have* attached a copy of the notice I gave  
4 to the Landlord

5 I.  Landlord's notice to me did not comply with Nevada law because  
6 it:

7 i.  Was not served on me as required by NRS 40.280;

8 ii.  Did not identify the court that has jurisdiction over this case;

9 iii.  Did not notify me of my right to contest this matter by filing  
10 an affidavit with the court;

11 iv.  Did not notify me that the court may issue a summary order  
12 for my removal directing the sheriff or constable to post the  
13 order in a conspicuous place on the premises not later than 24  
14 hours after the order is received by the sheriff or constable,  
15 and that the sheriff or constable shall remove the tenant not  
16 earlier than 24 hours but not later than 36 hours after the  
17 posting of the order;

18 v.  Did not notify me of my right to seek expedited relief if  
19 Landlord unlawfully removes or excludes me from the  
20 premises or interrupts an essential service;

21 vi.  Did not advise me of the availability of rental assistance;  
22 my right to assert an affirmative defense if I have a pending  
23 application for rental assistance or if my landlord has refused  
24 to participate or accept rental assistance, and my right to a stay  
25 if I assert that defense; my right to file a claim for wrongful  
26 eviction if my landlord tries to evict me after receiving rental  
27 assistance for any reason that existed during the period of  
28 default; or my right to a stay for mediation.

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

n.  Landlord is retaliating against me for having engaged in certain  
protected acts, and Landlord is in violation of NRS 118A.510.

o.  I am a tenant on property that has been foreclosed upon and sold.

The new owner:

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

ii.  Is violating NRS 40.255 by failing or refusing to grant me  
an additional 60 days on the property;

iii.  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 40.420.

1 p.  Other defense (Explain below by stating the facts and  
2 circumstances that support the defenses you checked above):

3 5. I  *have not*  *have* attached a copy of the Notice(s) I am contesting.

4 State the facts and circumstances that support the defenses you checked above:  
5  
6  
7

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

10 *I understand that as long as the filing of this affidavit is timely, I will receive*  
11 *notice of any mediation and/or hearing by e-mail and/or regular U.S. Mail.*

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

14  
15 \_\_\_\_\_  
16 *Date*                      *Print your name*                      *Sign your name*  
17 \_\_\_\_\_  
18 *Phone Number (required)*                      *E-mail Address*

19  
20 Pursuant to JCRCP 5(b), I certify that I am an employee of the East Fork Justice Court, Douglas  
21 County, Nevada and that on this day, I deposited for mailing at Minden, Nevada a true copy of the  
22 within document addressed to the address below:

23 \_\_\_\_\_  
*Landlord's Name*

24 \_\_\_\_\_  
*Landlord's Address*

25 \_\_\_\_\_  
*City, State, Zip*

26 Dated \_\_\_\_\_

27 Signed \_\_\_\_\_

28 Court Clerk  
(775)782-9955