

INSTRUCTIONS TO PLAINTIFF

1. **FILING SUIT:** To begin a Small Claim action in Justice Court, come to the Justice of the Peace office and prepare an affidavit. The maximum amount you may sue for is \$5,000.00. Claims must be for money only; this court cannot be used to sue for possession of property or to put a tenant out. The person you are suing must:

- Be a resident of;
- Do business in; or
- Be employed in, the Township where the Justice Court is located.

BRING WITH YOU THE FOLLOWING INFORMATION:

- Amount of claim and what it is for.
- Name, street address, P.O. Box, work address, and telephone number of person you are suing.
- A copy of your letter of demand.

The debt must be owed to you. You may not bring an action on behalf of anyone else, however, an employer may authorize an employee to represent a business.

2. The clerk will prepare the Affidavit, if you request, which states your claim amount and requires a signature. A filing fee will be charged, as well as a service fee.

TRIAL: A trial date will be set by the clerk if the Defendant contests your claim. The Clerk will give you a copy of the Affidavit, and will notify you of the trial date. It is your responsibility to appear at the Justice Court on the date set for trial. You are required to bring with you all witnesses and documents to prove your claim. **IF YOU FAIL TO APPEAR AT TRIAL, YOUR CASE WILL BE DISMISSED.**

INSTRUCTIONS TO DEFENDANT

2. A **LAWSUIT** has been filed against you. If you wish to contest the Plaintiff's claim, you must appear on the hearing date and tell the clerk you wish to schedule a trial. The clerk will set a trial date and notify both parties of the date and time. It is your responsibility to appear at trial, and to bring with you all witnesses and documents to prove your defense.

PAYMENT: If you do not dispute Plaintiff's claim, you should make arrangements with the Plaintiff to pay it, either before or after judgment. Include the court costs shown on the Affidavit. If Plaintiff has to pursue collection procedures through the court, additional costs will be charged to you. **IF YOU FAIL TO APPEAR TO REQUEST A TRIAL, OR FAIL TO APPEAR AT TRIAL, JUDGMENT WILL BE ENTERED AGAINST YOU. JUDGMENTS HAVE A HARMFUL EFFECT ON CREDIT RATINGS. YOU MAY BE DENIED A LOAN BECAUSE OF A**

1. **JUDGMENT.**

GENERAL INSTRUCTIONS

4. **ATTORNEY:** Small Claim actions are informal. Parties appear without an attorney. The Court will not award an attorney's fees to either party to the action.

SETTLEMENT: If the claim is settled prior to the court date, you are required to advise the Court.

WITNESSES: if there is someone you need as a witness who refuses to attend the trial, you may ask the Court to issue a subpoena, which will compel the person to attend. You will be required to pre-pay a witness fee, and cost of service. You should request the subpoena no later than ten (10) days before the trial date.

JUDGMENT: If the judgment is for the Plaintiff and the Defendant refuses to pay, the Plaintiff has the right to enforce the judgment by using any or all of the following procedures:

• **EXECUTION:** Have the Sheriff seize certain types of non-exempt property belonging to the Defendant, to be sold at public auction to apply on the judgment.

• **GARNISHMENT:** Have the Sheriff serve a Writ of Garnishment on the Defendant's employer or bank to seize non-exempt wages, bank accounts, or debts owed to the Defendant.

• **SUPPLEMENTAL PROCEEDINGS:** Plaintiff may request that an Order be served on the Defendant, requiring Defendant to appear in Court and testify about assets and income. Plaintiff must handle the questioning pursuant to N.R.S. 21-273.

Appeal: By law, the Plaintiff or Defendant can appeal within five (5) business days to the Fourth Judicial District