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IN THE JUSTICE COURT OF _____ TOWNSHIP
IN AND FOR THE COUNTY OF _____, STATE OF NEVADA

Name: _____
Address: _____
Phone: _____
Landlord/Plaintiff

vs.

CASE NO: _____

Name: _____
Address: _____
Phone: _____
Tenant/Defendant

DEPT. NO: _____

**STATEMENT WHY TEMPORARY WRIT OF RESTITUTION
SHOULD NOT ISSUE**

NOW COMES Tenant/Defendant and hereby states why a temporary writ of
restitution should not issue in this case.

____ 1. ____ A. Defendant **has** answered the Complaint and reasserts
such answer and affirmative defenses as a partial
response to why a temporary writ should not issue.

____ B. Defendant **has not** yet answered.
____ 1. Time to answer **has not** yet run.
____ 2. Time to answer **has** run and Defendant
was not able to file an answer.

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_____3. Defendant intends to file an answer but needs more time to do so. Explain:_____

_____.

_____2. The show cause hearing is set for_____. I was served with a summons and complaint on _____, 20_____.

_____A. If the show cause hearing is scheduled less than 11 calendar days after the date I received the Summons and Complaint, I:

_____1. **do not object** to the date of the Show Cause hearing.

_____2. **do object** to the date of the show cause hearing and request a continuance.

_____3. I dispute the facts alleged by the Landlord in the Landlord's Application for a Temporary Writ of Restitution, specifically:

_____4. Hearing date

_____A. That a final hearing date in this case **has not** been set.

_____B A final hearing date **has** been set for_____, 20_____.

EQUITABLE ISSUES

(If the Landlord's Complaint includes a claim that Tenant has not paid rent, answer Numbers 5 through 9.)

____5. The Landlord's Complaint claims that I owe the Landlord rent.

____6. The Landlord _____ made any claims in his complaint or **(has or has not)**

Application for a Temporary Writ of Restitution that I am causing safety or health problems for the other tenants of this park or for the management of the park.

____7. The Landlord has instituted a mobile home lien process against my mobile home for the rent that the landlord alleges that I owe.

____A. No sale date has been set for such lien.

____B. A notice of lien sale has been issued for _____ .m. on _____, _____, 20____.

____8. That I _____ that I owe the amount of the rent that the **(agree or disagree)** landlord claims. If you disagree, explain: _____

____9. I agree that I owe some rent but believe I will be able to catch up by _____, 20 ____.

Explain _____

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(If the Landlord's Complaint is for issues other than non-payment of rent, or in addition to non-payment of rent, answer Numbers 10 through 12.)

____ 10. That the landlord is terminating my lease for

____ A. Breach of contract

____ B. Nuisance

____ C. Other _____

____ 11. The Landlord has alleged that I am causing a problem in the park that:

____ A. **does not** interfere with management or the rights of other tenants

____ B. **does** interfere with management or the rights of other tenants

____ 12. I deny that I am causing the problems that the park management is accusing me of because _____

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**PROBABLE LOSS THAT TENANT WILL EXPERIENCE
IF TEMPORARY WRIT OF RESTITUTION DOES ISSUE**

____ 13. ____ A. I **have** a site to which I could move my mobile home.

OR

____ B. I **do not have** a site to which I could move my mobile home.

____ 14. If I do have a site to which I could move my mobile home:

____ A. I **do not** have the \$_____ it will cost me to move it there.

Explain _____

_____.

____ B. I **do** have the \$_____ it will cost me to move it there.

____ C. If this temporary writ is issued, I want to be able to take my mobile home with me.

____ 15. My mobile home is worth \$_____.

____ A. I own my mobile home free and clear.

____ B. I owe \$_____ to _____
which is financing my purchase of my mobile home.

1 _____ 16. If a temporary writ is issued, additional harm that I will experience is:

2 _____
3 _____
4 _____
5 _____.

6 _____ 17. _____ A. I **have** alternative housing available to me.

7 **OR**

8 _____ B. I **do not have** alternative housing available to me.

9 _____ 18. If I do have a alternative housing available to me:

10 _____ A. I **do not** have the \$ _____ it requires to move into
11 such housing. Explain _____

12 _____
13 _____
14 _____
15 _____.

16 _____ B. I **do** have the \$ _____ it requires to move into
17 such housing.

18 _____ 19. My household members include me and

19 _____ A. _____, aged _____;

20 _____ B. _____, aged _____;

21 _____ C. _____, aged _____;

22 _____ D. _____, aged _____, and

23 _____ E. _____, aged _____.

24 _____ 20. That the combined household income of the household is
25 \$ _____ from:

26 _____ A. Employment

27 _____ B. Government source such as Social security

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- ____ C. Pension
- ____ D. Other; describe_____

____ 21. That if I am forced to leave my mobile home or mobile home lot, my family and I will be negatively affected as follows.

- ____ A. We will likely to lose my home.
 - ____ B. We will be homeless for a period of _____ days
- _____
- _____
- _____
- _____
- _____.

____ 22. That if I cannot move my mobile home, the landlord will experience no benefit if a temporary writ is issued since he will not be able to re-rent the space my mobile home currently occupies.

____ 23. That the Landlord will experience no harm. Explain:_____

_____.

WHEREFORE, Defendant respectfully requests that the Court not issue a Temporary Writ of Restitution.

Submitted by,

Date

Signature of Tenant/Defendant

Print Name of Tenant/Defendant

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b) and JCRCP 5(b), I hereby certify that I am a non-party over the age of 18 years, and that on _____, 20____, I served a true and correct copy of the foregoing _____,

(Name of document that was served)

addressed to:

BY U.S. MAIL: I deposited for mailing in the United States mail, with postage fully prepaid, an envelope containing the above-identified document at _____ (City and State), in the ordinary course of business.

BY FACSIMILE TO: _____ (FAX number).

BY PERSONAL SERVICE: I personally hand delivered the above-identified document to the address/offices of the person named above.

Signature of Server

Print Name of Server