

**COMPLAINT FOR UNLAWFUL DETAINER  
LANDLORD INSTRUCTIONS  
(Form #10)**

The landlord should refer to “Mobile Home Park Evictions,” Landlord Instructions for information regarding how and when a landlord has grounds to terminate a tenancy and to seek formal eviction. Once the mobile home park landlord has grounds and has provided a legally sufficient termination notice and the tenant has not vacated the mobile home lot, the landlord may start formal eviction proceedings by following these instructions for completing the Complaint for Unlawful Detainer, Form #10.

A mobile home park landlord can only use the formal eviction process as contained in Nevada Revised Statute (NRS) 40.290, *et seq.* to evict a mobile home park tenant from a mobile home park lot. The process begins with the landlord serving upon the tenant a summons and complaint. The summons provides notice to the tenant that he/she has twenty (20) days within which to answer the Complaint for Unlawful Detainer, Form #10. The landlord may shorten the time to answer by filing an Ex Parte Motion to Shorten Time to Answer, Form #11.

The landlord has a right to a jury trial; however, there are significant expenses and complications. See the instructions for Form #22, Demand for Jury Trial.

Heading

Fill in the appropriate name of the township and county of the Justice Court.

Parties

Place the tenant’s and the landlord’s names, addresses and phone numbers under the Landlord/Plaintiff and Tenant/Defendant headings. If the landlord is a corporation, use the corporation’s name for Landlord/Plaintiff.

Case No. and Dept. No.

The court clerk will assign the Case No. and Dept. No. when you file this document with the court clerk (see the section on Filing and Service).

## Body of the Complaint

### Number 1

The landlord should identify the name of the mobile home park, if any, and its address and county.

### Number 2

The landlord should identify the lot space number, address, and county where the tenant resides.

## **GROUND**

### Number 3

#### **A. RENT DELINQUENCY AND TERMINATION NOTICE FAILURE TO PAY RENT**

The landlord should identify the grounds upon which the eviction is based. If the landlord has chosen non-payment of rent as the grounds, then the landlord should check Grounds 3.A.

If this ground is chosen, the landlord must check 1, 2, 3, 4 and 5. All five subparagraphs must apply in order to proceed.

#### **B. NON-COMPLIANCE WITH LAW, ORDINANCE, GOVERNMENT REGULATION OR RULES OF PARK**

If the landlord is terminating the tenancy based on the tenant's non-compliance with a law, ordinance, government regulation or valid rule of the park, then the landlord should check Grounds 3.B.

If this ground is chosen, the landlord must check 1, 2, 3, 4 and 5. All five subparagraphs must apply in order to proceed.

#### **C. VIOLATION OF RULES OF PARK**

If the landlord is evicting the tenant because the tenant has violated a valid rule of conduct, occupancy or use of park facilities, then the landlord should check Grounds 3.C.

If this ground is chosen, the landlord must check 1, 2, 3, and 4. All four subparagraphs must apply in order to proceed.

**D. NUISANCE OR VIOLATION OF STATE LAW OR LOCAL ORDINANCE**

If the landlord is seeking to evict the tenant because of a nuisance or violation of state law or local ordinance, Grounds 3.D. should be checked. There are two types of nuisance.

If the landlord serves a Five-Day Nuisance Notice then Grounds 3.D.1. should be filled in. All three subparagraphs must apply in order to proceed.

If the nuisance is more serious as set out in the Instructions for Mobile Home Park Landlords, then a three-day notice could be served and the landlord should check Grounds 3.D.2. on the complaint. All three subparagraphs must apply in order to proceed.

**E. ANNOYANCE**

If the landlord has chosen annoyance as a ground to evict the tenant, then the landlord should check Grounds 3.E. and specify the activity in detail. All three subparagraphs must apply in order to proceed.

**TERMINATION NOTICE CONTENT**

Number 4

The termination notice itself must advise the Tenant/Defendant of the specific reason for the termination and it should enable the tenant to identify the dates, place and circumstances of the alleged events. The landlord should check 4. and identify the date the termination notice was served. The landlord should identify the specific reason that was stated in the termination notice by checking 4.A. and checking the appropriate reason (4.A.1., 4.A.2., 4.A.3., 4.A.4.a. (or 4.A.4.b.), 4.A.5, or 4.A.6., and, where requested, filling in blank lines to support the specific reason. The landlord should also check 4.B. and fill in the particulars in lines 1, 2 and 3. 1 asks for the dates on which the events took place, 2 asks for a description of where they took place and 3 asks for the circumstances giving rise to the termination.

## **TERMINATION NOTICE – TIMING AND SERVICE**

### **Number 5**

Once a landlord has grounds to terminate a tenancy, then the landlord must have served a legally sufficient notice to terminate within the appropriate time frame.

If the landlord has chosen non-payment of rent, the landlord should check Termination Notice and check 5.A.1., 2., and 3. All three subparagraphs must apply in order to proceed.

If the landlord is terminating for reasons other than non-payment of rent, then the landlord should check 5.B. If the grounds the landlord has chosen is nuisance, then the landlord should identify which type of nuisance termination notice was served. If a five-day notice was served, check 5.B.1.a., b., and c. The date should be filled in and a copy of the notice should be attached. A copy of the Proof of Service must also be attached. If the landlord served a three-day notice, then 5.B.2.a., b., and c. should be checked, filling in the date, attaching a copy of the Notice and Proof of Service.

Lastly, if the landlord is terminating a tenancy for a change in park use, then the 180-day notice must have been used. If that is the case, the landlord should check 5.C.a., b., and c., filling in the date it was served, attaching a copy of the notice and Proof of Service.

All other reasons (annoyance, non-compliance, violation) require a 45-day notice. If a 45-day notice was served, the landlord should check 5.D.a., b., and c., filling in the date it was served, attaching a copy of the notice and Proof of Service.

### **WHEREFORE SECTION**

Provide the information required in (a).

### **SIGNATURE SECTION**

Date, sign and print the Landlord/Plaintiff's name on the lines provided.

### **VERIFICATION**

"Verification" is a sworn statement that the facts in the Complaint are true. Date, sign and print the Landlord/Plaintiff's name on the lines provided. The verification includes an affidavit or declaration, which makes it a criminal misdemeanor to state a

lie. You have a choice between signing the document in front of a notary, making the document an affidavit, or signing a declaration without a notary. Generally, clerks are available to certify that you signed the document. However, both alternatives mean that if you are not being truthful, you could be prosecuted for perjury.

**SERVICE OF NOTICES**  
**(Applies to any of the Forms #1 through #9)**

Nevada law requires that the landlord serve notices to tenants of the termination of their tenancies. This is done in any one of three (3) ways as outlined in NRS 40.280. The document that records the method of notification is a "Proof of Service."

To complete this form correctly, read the alternative methods described on the form. Be sure to pick the appropriate one and follow it strictly. Failure to give lawful notice may result in the dismissal of the eviction and require that a new notice process begin again.

**FILING AND SERVICE**

The landlord must bring the original and at least two copies of the Complaint and Summons<sup>1</sup> to the court clerk. You may get a blank Summons from the clerk's office. After filling out the Summons, return it to the clerk who will issue the Summons. Upon the payment of a filing fee,<sup>2</sup> the court clerk will file the original Complaint, assigning a Case Number and Department Number. The landlord should ask the clerk to file stamp the copies. The Summons and Complaint may be served by an official "process server" such as a constable or sheriff or any adult person not a party to the case. Unless the landlord has moved to shorten time to answer, the Tenant/Defendant will have twenty (20) days within which to answer the Complaint.

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<sup>1</sup> A "Summons" is the formal court document which the landlord serves upon the tenant in beginning an eviction. It is supplied by the specific court in which the case is filed. The importance is that it sets the time by which the tenant must file an Answer to Complaint for Unlawful Detainer, Form #21. This time will vary with the grounds for the eviction and may be shortened by the court.

<sup>2</sup> Waiver of fees and costs is available if needed. See instructions for Forms #34, #35 and #36.