

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

Name: _____

Address: _____

Phone: _____

Landlord/Plaintiff

vs.

CASE NO: _____

Name: _____

DEPT. NO: _____

Address: _____

Phone: _____

Tenant/Defendant

MOTION TO SET BOND AND TO STAY EVICTION PENDING APPEAL

COMES NOW, _____ (Name), and respectfully requests that the Court set the Cost and Supersedeas Bonds and stay execution of the order of eviction entered on the _____ day of _____, 20____, in the above-entitled Court pending the appeal of this matter.

POINTS AND AUTHORITIES

NRS 40.380 provides that:

Either party may, within 10 (judicial) days, appeal from the judgment rendered. But an appeal by the defendant shall not

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

stay the execution of the judgment, unless, within the 10 (judicial) days, he shall execute and file with the court or justice his undertaking to the plaintiff, with two or more sureties, in an amount to be fixed by the court or justice, but which shall not be less than twice the amount of the judgment and costs, to the effect that, if the judgment appealed from be affirmed or the appeal be dismissed, the appellant will pay the judgment and the cost of appeal, the value of the use and occupation of the property, and damages justly accruing to the plaintiff during the pendency of the appeal. Upon taking the appeal and filing the undertaking, all further proceedings in the case shall be stayed.

FACTS AND ARGUMENT

On the _____ day of _____, 20____, a judgment was entered against Appellant which requires Appellant to pay Respondent \$_____ and which evicts Appellant from the mobile home space Appellant occupies at _____.

On the _____ day of _____, 20____, Appellant filed its Notice of Appeal.

WHEREFORE, Appellant requests that the Court set the Cost and Supersedeas Bonds and stay execution of the order of eviction entered on the _____ day of _____, 20____, in the above-entitled court upon posting of said Bonds pending the appeal of this matter.

Submitted by,

Date

Signature of Party

Print Name of Party

1 I swear the above is true. Signature: _____

2

3

4 SUBSCRIBED AND SWORN to before me this ____ day of _____,

5

6 20____.

7

8 NOTARY PUBLIC

9 OR

10 DEPUTY CLERK _____

11

12

OR
THE FOLLOWING:

13

14

15

16 Pursuant to NRS 53.045:

17 "I declare under penalty of perjury under the law of the State of Nevada that the
18 foregoing is true and correct."

19

20 Executed on _____, 20____

21

22 _____

23 Signature

24

25

26 _____

27 Print Name

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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