

A series of overlapping, thin black lines forming various geometric shapes like triangles and polygons, located in the upper left quadrant of the page.

**Winter NJLJ 2025**

**Tuesday, January 28<sup>th</sup>**

**Judge Jessica Goodey**

**CIVIL LAW UPDATE:  
JCRC P 4, NRS 97B AND BEYOND**



# JCRCP 4: SUMMONS AND SERVICE

## **(c) Service.**

**(1) In General.** Unless a defendant voluntarily appears, the plaintiff is responsible for having the summons and complaint served under Rule 4.2, 4.3 or 4.4...

**(4) Cumulative Service Methods.** The methods of service provided in Rules 4.2, 4.3, and 4.4 are cumulative and may be utilized with, after, or independently of any other methods of service.

## JCRCP 4.2

# SERVICE WITHIN NEVADA

**(a) Serving an Individual.** Unless otherwise provided by these rules, service may be made on an individual:

(1) by delivering a copy of the summons and complaint to the individual personally;

(2) by leaving a copy of the summons and complaint at the individual's dwelling or usual place of abode with a person of suitable age and discretion who currently resides therein and is not an adverse party to the individual being served; or

(3) by delivering a copy of the summons and complaint to an agent authorized by appointment or by law to receive service of process.



## **RULE 91. SERVICE OF SMALL CLAIMS**

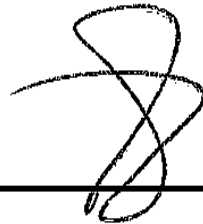
(a) After receipt of the filed affidavit of complaint, the plaintiff must serve the affidavit of complaint on the defendant in the manner set forth in Rule 4.2 or, if applicable, Rule 4.3.

(b) Upon motion, the judge may order an alternative method of service to be made upon the defendant. The service may be by registered or certified mail, return receipt requested, or other methods the court deems most likely to provide notice to the defendant.

AFFIDAVIT OF SERVICE

STEPHANIE FRAGOSO - R-2021-07018, declare under penalty of perjury that at all times herein, Affiant was and is a citizen of the United States, over 18 years of age, licensed to serve civil process in the State of Nevada, under license # 2627, and not a party to or interested in the proceeding in which the Affidavit is made. The Affiant received a copy of the foregoing Summons & Complaint on 04/30/2024. The Summons & Complaint were served on 05/04/2024 at 11:29 AM by delivering a copy to the defendant, BELINDA D KENNEDY at 6380 TARA AVE, LAS VEGAS, NV 89146. That each copy of the said documents were duly certified to be a true copy of the original thereof.

Pursuant to NRS 53.045, I declare under penalty of perjury that the foregoing is true and correct.



**Affiant/Process Server**

**STEPHANIE FRAGOSO - R-2021-07018 - 05/05/2024**

Specialized Attorney Services, Inc.

4730 S Fort Apache Rd. Suite 320

Las Vegas, NV 89147

Client File # 23-1098



Received by Colorado West Pro Serve & Investigations, LLC to be served on **HEATHER LITWIN, 497 ASPEN GROVE, #A, CLIFTON, CO 81520.**

I, Matthew White, being duly sworn, depose and say that on the 25th day of November, 2023 at 3:02 pm, I:

**SUBSTITUTE** served by delivering a true copy of the **SUMMONS, COMPLAINT and JUSTICE/MUNICIPAL CIVIL COURT COVER SHEET** with the date and hour of service endorsed thereon by me, to: **VICKY CSOLL as MOTHER** at the address of: **497 ASPEN GROVE, #A, CLIFTON, CO 81520,** the within named person's usual place of **Abode**, who resides therein, who is eighteen (18) years of age or older and informed said person of the contents therein, in compliance with state statutes.

I certify that I am over the age of 18 and have no interest in the above action.

I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

  
Matthew White  
Process Server

Executed on the the 28th day of November, 2023 in  
Mesa County, Colorado

Dated the the 28th day of November, 2023

Our Job Serial Number: ESC-2023001148  
Ref: 10287

## AFFIDAVIT OF SERVICE

MATTHEW PAUL PARISI being duly sworn says: That at all times herein affiant was and is a citizen of the United States, over 18 years of age, not a party to or interested in the proceedings in which this affidavit is made. That affiant received 1 copy(ies) of the SUMMONS, COMPLAINT, on the 1st day of November, 2023 and served the same on the 26th day of November, 2023, at 16:11 by:

serving the servee ROBERT WILLIAMS personally delivering and leaving a copy with ANTHONY, NEPHEW Co-occupant, a person of suitable age and discretion residing at the defendant's usual place of abode located at (address) 6178 Empress Woods Court, Las Vegas NV 89148

LEFT WITH ANTHONY, NEPHEW, SAID HE WAS VISITING AND WOULD GIVE TO ROBERT WHEN HE GOT HOME WHITE MALE 5FT7IN - 5FT11IN 120-150LBS BROWN HAIR 18-24 YEARS OLD

## **AFFIDAVIT OF SERVICE**

SHEA BYERS being duly sworn says: That at all times herein affiant was and is a citizen of the United States, over 18 years of age, not a party to or interested in the proceedings in which this affidavit is made. That affiant received 1 copy(ies) of the SUMMONS, COMPLAINT, ORDER STRIKING THE CLERKS DEFAULT ENTERED ON MARCH 12 2024 AND GRANTING PLAINTIFFS ORAL MOTION TO ENLARGE THE PERIOD OF TIME FOR SERVICE OF THE SUMMONS AND COMPLAINT, on the 7th day of June, 2024 and served the same on the 8th day of June, 2024, at 16:09 by:

delivering and leaving a copy with the servee ROBERT WILLIAMS at (address) 6178 EMPRESS WOODS COURT, LAS VEGAS NV 89148

DOOR WAS ANSWERED BY GABRIEL -- HISBPANIC MALE, AGE 18, BLACK HAIR, 5'11", 150 LBS. -- HE STATED HE LIVES AT THIS ADDRESS AND VERIFIED SUBJECT IS A CO-OCCUPANT WHO IS NOT CURRENTLY HOME. HE ACCEPTED SERVICE DOCUMENTS WILLINGLY INTO HAND. UPON DEPARTURE, SUBJECT ARRIVED IN A BLUE SEDAN, ROLLED HIS WINDOW DOWN, AND SERVER EXPLAINED THAT GABRIEL TOOK THE PAPERS INSIDE AND NOTIFIED SUBJECT PERSONALLY OF THE LEGAL NATURE OF THE DOCUMENTS



# JCRCP 4.2: Service within Nevada (cont.)

## c) Serving Entities and Associations.

### (1) Entities and Associations in Nevada.

(A) An entity or association that is formed under the laws of this state, is registered to do business in this state, or has appointed a registered agent in this state may be served by delivering a copy of the summons and complaint to:

- (i) the registered agent of the entity or association;
- (ii) any officer or director of a corporation;
- (iii) any partner of a general partnership;
- (iv) any general partner of a limited partnership;
- (v) any member of a member-managed limited liability company;
- (vi) any manager of a manager-managed limited liability company;
- (vii) any trustee of a business trust;
- (viii) any officer or director of a miscellaneous organization mentioned in NRS Chapter 81;
- (ix) any managing or general agent of any entity or association; or
- (x) any other agent authorized by appointment or by law to receive service of process.

OASIS SEAFOOD, INC c/o ALEXANDER BONNER  
Plaintiff

vs

BEANNERS, LLC dba VIVA MERCADOS MEXICAN BAR & GRILL  
Defendant

I hereby certify that I received the on the 10 day of Dec, 2024, and after due diligence, I have been able ~~unable~~ to locate and personally serve as follows:

NAME: **NVRA SERVICES (REGISTERED AGENT)**

LOCATION: **120 US HWY 50 WEST, #3, DAYTON**

DATE AND TIME: 12/10/24 @ 9:40

By delivering a true copy of the original to the above named.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 10, day of Dec, 2024.

Brad Pope, SHERIFF  
COUNTY OF LYON, STATE OF NEVADA

By *Chester Clodden* USG  
Name & Signature of Deputy  
*Chester Clodden*

Entity Information

Entity Information

Entity Name: BEANNERS L.L.C.	Entity Number: E0510732013-3
Entity Type: Domestic Limited-Liability Company (86)	Entity Status: Default
Formation Date: 10/22/2013	NV Business ID: NV20131621522
Termination Date:	Annual Report Due Date: 10/31/2024
Compliance Hold:	Series LLC: <input type="checkbox"/> Restricted LLC: <input type="checkbox"/>

Registered AGENT INFORMATION

Name of Individual or Legal Entity: NVRA SERVICES, INC.	Status: Active
CRA Agent Entity Type:	Registered Agent Type: Commercial Registered Agent
NV Business ID: NV20101798948	Office or Position:
Jurisdiction: NEVADA	
Street Address: 120 HWY 50 STE 1, Dayton, NV, 89403, USA	
Mailing Address:	

OFFICER INFORMATION

View Historical Data

Title	Name	Address	Last Updated	Status
Manager	CAROLINA HUEY	9440 W. SAHARA AVE. #165, Las Vegas, NV, 89117, USA	10/31/2022	Active

Clark County, Nevada

Name of Plaintiff(s):

Avelien (astronova)

VERSUS

Name of Defendant(s):

Las Vegas Collision Center LLC

Department No. 6

**PROOF OF SERVICE  
(for use by Plaintiffs in  
Small Claims Cases)**

I, (insert name of person performing service) \_\_\_\_\_, being duly sworn or under penalty of perjury, state that at all times relevant, I was over 18 years of age and not a party to or interested in the above-captioned case; that I received a copy of the (check the name of documents you served)  Small Claims Complaint and Summons,  Amended Small Claims Complaint and Summons, and that I served the same on Defendant (insert Defendant's name) Las Vegas Collision Center LLC on (insert date and time you served the documents) the 30 day (date) of September (month), 2024 (year) at the hour of 10:00 A.M., by (complete appropriate paragraph below):

**Personal service per JCRCP 4(d)(6):** Delivering and leaving a copy with Defendant at (insert address at which you served)

4695 W NEVSO DR #1 - LAS VEGAS, NV 89103

**Substitute service per JCRCP 4(d)(6):** Delivering and leaving a copy with (insert name or physical description of person served)

\_\_\_\_\_ a person of suitable age and discretion residing at Defendant's dwelling house or usual place of abode, at (insert Defendant's address)

**Service by registered or certified mail per JCRCP 91 (if allowed):** Depositing a copy in a mailbox of the United States

Post Office, enclosed in a sealed envelope, postage prepaid, certified or registered mail, return receipt requested, addressed to Defendant at (insert Defendant's address) \_\_\_\_\_

(A copy of the signed return receipt must be attached.)

**Service on a business entity per JCRCP 4(d)(1) or (2):** Delivering and leaving a copy with (insert name or physical description of

person served) \_\_\_\_\_, who is Defendant's (check

one)  president or other head,  secretary,  cashier,  managing agent,  resident agent, or  other (specify) \_\_\_\_\_

at (insert address at which you served) \_\_\_\_\_

Date: 12/16/2024

Signature: [Signature]

Residential/  Business Address: 3850 W Nevso Dr. Unit 233 Las Vegas NV 89103 Phone: 7738096311

You MUST check one of the following boxes AND have this affidavit notarized (over) OR sign the unsworn declaration

**Entity Name:** LAS VEGAS COLLISION CENTER LLC  
**Entity Type:** Domestic Limited-Liability Company (86)  
**Formation Date:** 10/11/2018  
**Termination Date:**  
**Compliance Hold:**

**Entity Number:** E0476612018-1  
**Entity Status:** Active  
**NV Business ID:** NV20181733530  
**Annual Report Due Date:** 10/31/2025  
**Series LLC:**  **Restricted LLC:**

**Registered AGENT INFORMATION**

**Name of Individual or Legal Entity:** ROCIO X ALVARDO

**Status:** Active

**CRA Agent Entity Type:**

**Registered Agent Type:** Non-Commercial Registered Agent

**NV Business ID:**

**Office or Position:**

**Jurisdiction:**

**Street Address:** 4695 W NEVSO ST. STE. 1, LAS VEGAS, NV, 89103, USA

**Mailing Address:**

**OFFICER INFORMATION**

[View Historical Data](#)

Title	Name	Address	Last Updated	Status
Managing Member	Juan C Alvarado	4695 W NEVSO DR STE 1, LAS VEGAS, NV, 89103, USA	10/30/2023	Active
Managing Member	JUAN A ALVARADO	4695 W NEVSO STE. 1, LAS VEGAS, NV, 89103, USA	10/11/2018	Active

Clark County, Nevada

Name of Plaintiff(s):

Aurelien (astronova)  
VERSUS

Department No. 6

**PROOF OF SERVICE  
(for use by Plaintiffs in  
Small Claims Cases)**

Name of Defendant(s):

Las Vegas Collision Center LLC

I, (insert name of person performing service) \_\_\_\_\_, being duly sworn or under penalty of perjury, state that at all times relevant, I was over 18 years of age and not a party to or interested in the above-captioned case; that I received a copy of the (check the name of documents you served)  Small Claims Complaint and Summons,  Amended Small Claims Complaint and Summons, and that I served the same on Defendant (insert Defendant's name) Las Vegas Collision Center LLC on (insert date and time you served the documents) the 30 day (date) of September (month), 2024, (year) at the hour of 10:00 A.M., by (complete appropriate paragraph below):

**Personal service per JCRCP 4(d)(6):** Delivering and leaving a copy with Defendant at (insert address at which you served)

4695 W NEVADO DR #1 - LAS VEGAS, NV 89103

**Substitute service per JCRCP 4(d)(6):** Delivering and leaving a copy with (insert name or physical description of person served)

\_\_\_\_\_, a person of suitable age and discretion residing at Defendant's dwelling house or usual place of abode, at (insert Defendant's address)

**Service by registered or certified mail per JCRCP 91 (if allowed):** Depositing a copy in a mailbox of the United States Post Office, enclosed in a sealed envelope, postage prepaid, certified or registered mail, return receipt requested, addressed to Defendant at (insert Defendant's address) \_\_\_\_\_.

(A copy of the signed return receipt must be attached.)

**Service on a business entity per JCRCP 4(d)(1) or (2):** Delivering and leaving a copy with (insert name or physical description of person served) \_\_\_\_\_, who is Defendant's (check one)  president or other head,  secretary,  cashier,  managing agent,  resident agent, or  other (specify) \_\_\_\_\_.

At (insert address at which you served) \_\_\_\_\_.

Date: 12/16/2024

Signature: [Signature]

Residential/  Business Address: 3850 W Nevada Dr. Unit 233 Las Vegas, NV, 89103 Phone: 723.809.6311

You MUST check one of the following boxes AND have this affidavit notarized, signed by you or sign the unsworn declaration

## JCRCP 4.2: SERVICE IN NEVADA (CONT.)

### **(3) Service via the Nevada Secretary of State.**

(A) If, for any reason, service on an entity or association required to appoint a registered agent in this state or to register to do business in this state cannot be made under Rule 4.2(c)(1) or (2), then the plaintiff may seek leave of court to serve the Nevada Secretary of State in the entity's or association's stead by filing with the court an affidavit:

- (i) setting forth the facts demonstrating the plaintiff's good faith attempts to locate and serve the entity or association;
- (ii) explaining the reasons why service on the entity or association cannot be made; and
- (iii) stating the last-known address of the entity or association or of any person listed in Rule 4.2(c)(1), if any.

(B) Upon court approval, service may be made by:

- (i) delivering a copy of the summons and complaint to the Nevada Secretary of State or his or her deputy; and
- (ii) posting a copy of the summons and complaint in the office of the clerk of the court in which such action is brought or pending.

(C) If the plaintiff is aware of the last-known address of any person listed in Rule 4.2(c)(1), the plaintiff must also mail a copy of the summons and complaint to each such person at the person's last-known address by registered or certified mail. The court may also order additional notice to be sent under Rule 4.4(d) if the plaintiff is aware of other contact information of the entity or association or of any person listed in Rule 4.2(c)(1).

(D) Unless otherwise ordered by the court, service under Rule 4.2(c)(3) may not be used as a substitute in place of serving, under Rule 4.3(a), an entity or association through a person listed in Rule 4.2(c)(1) whose address is known but who lives outside this state.

# FICTITIOUS FIRM NAMES



## Nevada Business Search

\* Includes Trademarks, Trade Names, Service Marks, Reserved Names & Business Licenses

### I Would Like To Search By:

Starts With    Contains    Exact

Name:

**Alert**

⚠ No records found with your search criteria.

OK

### Business Entity Search Criteria

Entity Number:

NV Business ID Number:

Individual    Organization

Officer First Name:

Officer Middle Name:

Mark Number:

Classification:

Goods and Services:

Applicant Name:





### FFN Name Search

FFN Name

Date Range

From Date

To Date

Document Types

Record	First Direct Name	First Indirect Name	Instrument #	Record Date	Document Type
<a href="#">Order</a>	COLLECTION	ARRIVIA, INC.	202107201011287	07/20/2021	FFN CERTIFICATE
<a href="#">Order</a>	WESTGATE LAS VEGAS RESORT & CASINO	WESTGATE LAS VEGAS RESORT, LLC	201906051008745	06/05/2019	FFN CERTIFICATE
<a href="#">Order</a>	WESTGATE LAS VEGAS RESORT & CASINO	NAV-LVH, LLC	201906051008786	06/05/2019	FFN CERTIFICATE
<a href="#">Order</a>	WESTGATE LAS VEGAS RESORT & CASINO	PARAGON PARADISE TENANT, INC.	202002211002872	02/21/2020	FFN CERTIFICATE
<a href="#">Order</a>	WESTGATE LAS VEGAS RESORT & CASINO	PARAGON PARADISE TENANT, INC.	202008121010322	08/12/2020	FFN TERMINATION - BUSINESS
<a href="#">Order</a>	WESTGATE LAS VEGAS RESORT & CASINO	GV TENANT, INC.	202011181015218	11/18/2020	FFN CERTIFICATE
<a href="#">Order</a>	WESTGATE LAS VEGAS RESORT & CASINO	GV TENANT, INC.	202410031014298	10/03/2024	FFN CERTIFICATE
<a href="#">Order</a>	WESTGATE LAS VEGAS RESORT & CASINO	WESTGATE LAS VEGAS RESORT, LLC	202410231015308	10/23/2024	FFN CERTIFICATE
<a href="#">Order</a>	WESTGATE LAS VEGAS RESORT & CASINO	NAV-LVH, LLC	202410231015310	10/23/2024	FFN CERTIFICATE
<a href="#">Order</a>	WESTGATE LAS VEGAS RESORT, LLC	WESTGATE LAS VEGAS RESORT & CASINO	201906051008745	06/05/2019	FFN CERTIFICATE
<a href="#">Order</a>	WESTGATE LAS VEGAS RESORT, LLC	WESTGATE LAS VEGAS RESORT & CASINO	202410231015308	10/23/2024	FFN CERTIFICATE

# JCRCP 4.4: ALTERNATIVE SERVICE METHODS

(a) **Statutory Service.** If a statute provides for service, the summons and complaint may be served under the circumstances and in the manner prescribed by the statute.

(b) **Court-Ordered Service.**

(1) If a party demonstrates that the service methods provided in Rules 4.2, 4.3, and 4.4(a) are impracticable, the court may, upon motion and without notice to the person being served, direct that service be accomplished through any alternative service method.

(2) A motion seeking an order for alternative service must:

(A) provide affidavits, declarations, or other evidence setting forth specific facts demonstrating:

(i) the due diligence that was undertaken to locate and serve the defendant; and

(ii) the defendant's known, or last-known, contact information, including the defendant's address, phone numbers, email addresses, social media accounts, or any other information used to communicate with the defendant; and

(B) state the proposed alternative service method and why it comports with due process.

(3) If the court orders alternative service, the plaintiff must also:

(A) make reasonable efforts to provide additional notice under Rule 4.4(d); and

(B) mail a copy of the summons and complaint, as well as any order of the court authorizing the alternative service method, to the defendant's last-known address.

(4) The plaintiff must provide proof of service under Rule 4(d) or as otherwise directed by the court.

(5) A plaintiff may serve a defendant by publication only if the requirements of Rule 4.4(c) are met and the procedures for publication are followed.

(c) **Service by Publication.** If a party demonstrates that the service methods provided in Rules 4.2, 4.3, and 4.4(a) and (b) are impracticable, the court may, upon motion and without notice to the person being served, direct that service be made by publication. . .

(2) **Motion Seeking Publication.** A motion seeking an order for service by publication must:

(A) through pleadings or other evidence establish that:

(i) a cause of action exists against the defendant who is to be served; and

(ii) the defendant is a necessary or proper party to the action;

(B) provide affidavits, declarations, or other evidence setting forth specific facts demonstrating the efforts that the plaintiff made to locate and serve the defendant;

(C) provide the proposed language of the summons to be used in the publication, briefly summarizing the claims asserted and the relief sought and including any special statutory requirements;

(D) suggest one or more newspapers or other periodicals in which the summons should be published that are reasonably calculated to give the defendant actual notice of the proceedings; and

(E) if publication is sought based on the fact that the defendant cannot be found, provide affidavits, declarations, or other evidence establishing the following information:

(i) the defendant's last-known address;

(ii) the dates during which the defendant resided at that location; and

(iii) confirmation that the plaintiff is unaware of any other address at which the defendant has resided since that time, or at which the defendant can be found.

I, **Bruce Feher R-05794**, being duly sworn says: That at all times herein affiant was and is a citizen of the United States, over 18 years of age, not a party to or interested in the proceeding in which this affidavit is made.

I am authorized to serve this process in the circuit/county it was served in.

On **07/31/2024** at **3:35 PM**, I attempted to serve the **SUMMONS & COMPLAINT** on **LEON OJEDA CARRANZA** at **6474 PINE HILL AVENUE, LAS VEGAS, NV 89156** and was unable to effect service for the reason(s) indicated below:

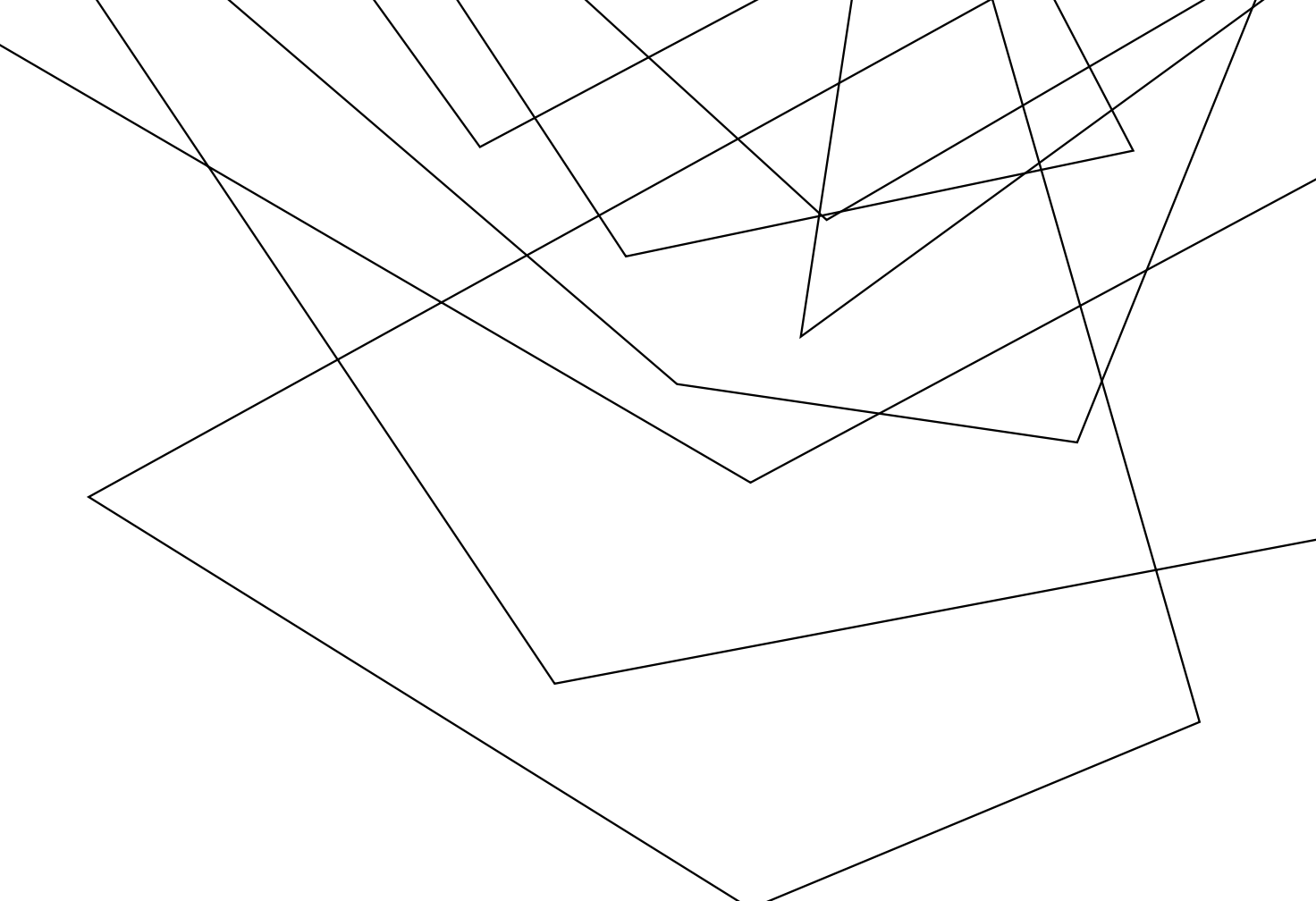
Date/Time	Address	Remarks
06/22/2024-11:30 AM	6474 PINE HILL AVENUE LAS VEGAS, NV 89156	Not home. (Attempt made by Bruce Feher)
07/17/2024-11:00 AM	6474 PINE HILL AVENUE LAS VEGAS, NV 89156	Not home, dogs inside. (Attempt made by Bruce Feher)
07/29/2024-8:40 AM	6474 PINE HILL AVENUE LAS VEGAS, NV 89156	I spoke with a Hispanic female in her 40's, the defendant no longer lives at this address. (Attempt made by Bruce Feher)
07/30/2024-9:00 AM	NOT APPLICABLE	I performed multiple searches in an effort to locate a current address for the defendant LEON OJEDA CARRANZA including the following: Clark County Tax Assessor; Clark County Voters Registration; Clark County Recorder; Local Telephone Directory (Las Vegas Valley Area); Online Database Search (pulls from hundreds of thousands of sources); Online Social Media (www.facebook.com, www.linkedin.com, etc.); Local Utility Companies (NV Energy, Southwest Gas, Southern Nevada Water District; none of these three utility companies will release any information regarding their customers). Most current address found for the defendant LEON OJEDA CARRANZA is 6474 PINE HILL AVENUE LAS VEGAS NV 89156. Service has already been attempted here without success. (Searches performed by Craig Burton)
07/31/2024-3:35 PM	NOT APPLICABLE	I Called (702)806-1510, generic greeting, I left a message for the defendant. (Call made by Craig Burton)

**(d) Additional Methods of Notice.**

(1) In addition to any other service method, the court may order a plaintiff to make reasonable efforts to provide additional notice of the commencement of the action to a defendant using other methods of notice, including certified mail, telephone, voice message, email, social media, or any other method of communication.

(2) Unless otherwise ordered, the plaintiff or the plaintiff's attorney may contact the defendant to provide notice of the action, except when the plaintiff or attorney would violate any statute, rule, temporary or extended protection order, or injunction by communicating with the defendant.

(3) The plaintiff must provide proof of notice in the same manner as proof of service under Rule 4(d), or as otherwise directed by the court.

A series of thin, black, overlapping lines forming various geometric shapes like triangles and polygons, scattered across the top and left portions of the page.

What do you need to know  
before you allow alternate  
service?

By email?

By social media?

By phone or text

# NRS 97B: CONSUMER PROTECTION FROM PREDATORY INTEREST

**Purpose: to protect consumers (NRS 97B.020)**

-must be liberally construed to effectuate its purpose

- Definitions
  - “Consumer Debt” means any obligation or alleged obligation of a consumer to pay money arising out of transaction in which the money, property, insurance or services...for personal, family, or household purposes. NRS 97B.060
  - “Consumer form contract” means a **retail charge agreement** or a **retail installment contract** involving a **retail installment transaction** *in writing* between a retail seller and a consumer buyer, or a lease *in writing* between a lessor and a consumer lessee, involving the sale **of goods or services**, including, without limitation, credit or financial services, primarily for personal, family, or household purposes and which has either been drafted by the business or by a third party *for use with more than one consumer...* NRS 97B.070

**NRS 97.095 “Retail charge agreement” defined.** “Retail charge agreement” means an agreement entered into or performed in this state prescribing the terms of retail installment transactions in which the buyer may pay, in installments, to a retail seller, the unpaid balance due in a retail installment transaction, whether or not a security interest in the goods sold is retained by the seller, and under the terms of which a finance charge is to be computed in relation to the buyer’s unpaid balance from time to time.

**NRS 97.105 “Retail installment contract” and “contract” defined.**

1. “Retail installment contract” or “contract” means a contract, other than a retail charge agreement or an instrument reflecting a sale made pursuant thereto, entered into or performed in this state for a retail installment transaction.

2. The term includes a security agreement and a bailment contract or lease if the bailee or lessee contracts to pay as compensation for their use a sum substantially equivalent to or in excess of the value of the goods and if it is agreed that the bailee or lessee is bound to become or, without giving further substantial value, has the option of becoming the owner of the goods upon full compliance with the provisions of the bailment or lease.

3. The term does not include a bailment or lease of a vehicle where the lessee becomes or may become the owner of the vehicle by payment to the lessor of an amount which is substantially equal to the residual value or the unamortized capitalized cost, if the payment is not nominal.

**NRS 97.115 “Retail installment transaction” defined.** “Retail installment transaction” means a transaction in which a retail buyer purchases goods or services from a retail seller pursuant to a retail installment contract or a retail charge agreement which may provide for a finance charge and under which the buyer agrees to pay the total of payments in one or more installments.



**NRS 97.125 “Retail seller” and “seller” defined.**

1. “Retail seller” or “seller” means:

(a) A person engaged in the business of selling or leasing goods or services to retail buyers or a licensee, franchisee, assignee or corporate affiliate or subsidiary of such a person;

(b) A person, other than a financial institution, who enters into agreements prescribing the terms for the extension of credit pursuant to which the person may, with the buyer’s consent, purchase or acquire one or more obligations of the buyer to a retail seller if the purchase, lease, loan or other obligation to be paid in accordance with the agreement is evidenced by a sales slip or memorandum; or

(c) A person, other than a financial institution, who regularly extends, whether in connection with sales or leases of goods or services, credit which is payable by agreement in more than four installments or for which the payment of a finance charge may be required.

2. As used in this section, “financial institution” means:

(a) A bank, credit union, savings institution or trust company organized under, or supervised pursuant to, the laws of the United States or of any state, or any affiliate or subsidiary thereof; or

(b) A person licensed pursuant to [chapter 675](#) of NRS.

**NRS 97.135 “Services” defined.** “Services” means work, labor or services of any kind when purchased primarily for personal, family or household use and not for commercial or business use whether or not furnished in connection with the delivery, installation, servicing, repair or improvement of goods, and includes repairs, alterations or improvements upon or in connection with real property, but does not include services for which the price charged is required by law to be determined or approved by or to be filed, subject to approval or disapproval, with the United States or any state, or any department, division, agency, officer or official of either as in the case of transportation services.

**NRS 97B.090 Exemptions from chapter.** The provisions of this chapter do not apply to:

1. A person doing business pursuant to the authority of any law of this State or of the United States relating to banks, national banking associations, savings banks, trust companies, savings and loan associations, credit unions, mortgage brokers, mortgage bankers, thrift companies or insurance companies, including, without limitation, any affiliate or subsidiary of such a person regardless of whether the affiliate or subsidiary is a bank.

2. Any business:

(a) Whose principal purpose or activity is lending money on real property which is secured by a mortgage;

(b) Approved by the Federal National Mortgage Association as a seller or servicer; and

(c) Approved by the United States Department of Housing and Urban Development and the Department of Veterans Affairs.

3. A person who provides money for investment in loans secured by a lien on real property, on his or her own account.

4. A seller of real property who offers credit secured by a mortgage of the property sold.

5. A person who exclusively extends credit to any person who is not a resident of this State for any business, commercial or agricultural purpose that is located outside this State.

6. A person while performing any act authorized pursuant to [chapter 604A](#) of NRS.

7. A motor vehicle manufacturer or distributor, or an affiliate or captive financial entity of a motor vehicle manufacturer or distributor.

## IS IT CONSUMER DEBT?

- Credit Cards?
- RC Willey credit account?
- Residential Lease?
- Private school tuition for a child?
- Veterinary bills?
- Jewelry credit?
- Personal loans?
- Auto loan?
- Legal services?

**NRS 97B.150 Award of interest; prohibition against compounding interest; limitation on prejudgment interest; limitation on postjudgment interest.** If the plaintiff is the prevailing party in any action to collect a consumer debt:

1. And a rate of interest is stated **in the consumer form contract**, interest may be awarded by the court only as set forth in this section.

2. Interest under the **consumer form contract**, prejudgment interest and postjudgment interest awarded by the court must not be compounded.

3. Any prejudgment interest the court awards the plaintiff must be limited to the lesser of:

(a) The accrued interest at the rate stated **in the consumer form contract** to the day the action to collect the debt is filed; or

(b) One hundred eighty days of interest at the rate stated **in the consumer form contract**.

4. Any post-judgment interest the court awards the plaintiff must be limited to the lesser of:

(a) The rate of interest **in the consumer form contract**; or

(b) A rate equal to the prime rate at the largest bank in Nevada as ascertained by the Commissioner of Financial Institutions on January 1 or July 1, as the case may be, immediately preceding the date of judgment, plus 2 percent. The rate must remain fixed at that rate until the judgment is satisfied.

**NRS 97B.160 Award of attorney's fees when plaintiff is prevailing party in action to collect consumer debt.**

1. If the plaintiff is the prevailing party **in any action to collect a consumer debt**, the plaintiff is entitled to collect attorney's fees only **if the consumer form contract or other document evidencing the indebtedness** sets forth an obligation of the consumer to pay such attorney's fees and subject to the following conditions:

(a) **If a consumer form contract or other document evidencing indebtedness** provides for attorney's fees in some specific percentage, such provision and obligation is valid and enforceable for an amount not to exceed 15 percent of the amount of the debt, excluding attorney's fees and collection costs.

(b) **If a consumer form contract or other document evidencing indebtedness** provides for the payment of reasonable attorney's fees by the debtor, without specifying any specific percentage, such provision must be construed to mean the lesser of 15 percent of the amount of the debt, excluding attorney's fees and collection costs, or the amount of attorney's fees calculated by a reasonable rate for such cases multiplied by the amount of time reasonably expended to obtain the judgment.

2. The documentation setting forth a party's obligation to pay attorney's fees must be provided to the court before a court may enforce those provisions.

# CALCULATIONS

Principal: \$1,166.87

-includes collection fee of \$388.96

Attorney's Fees: \$116.69

.15 x \$777.91 (principal minus the collection fee)

Interest: \$138.11

$\$1,166.87 \times .24 = \$280.04$

$\$280.04 / 365 = \$0.77$  (daily interest)

$\$0.77 * 180 = \$138.11$

# RENEWALS OF JUDGMENT

## **NRS 17.214 Filing and contents of affidavit; recording affidavit; notice to judgment debtor; successive affidavits.**

1. Except as otherwise provided in [NRS 484A.7047](#), a judgment creditor or a judgment creditor's successor in interest may renew a judgment which has not been paid by:

(a) Filing an affidavit with the clerk of the court where the judgment is entered and docketed, within 90 days before the date the judgment expires by limitation. The affidavit must be titled as an "Affidavit of Renewal of Judgment" and must specify:

....

(b) If the judgment is recorded, recording the affidavit of renewal in the office of the county recorder in which the original judgment is filed within 3 days after the affidavit of renewal is filed pursuant to paragraph (a).

2. The filing of the affidavit renews the judgment to the extent of the amount shown due in the affidavit.

3. The judgment creditor or the judgment creditor's successor in interest shall notify the judgment debtor of the renewal of the judgment by sending a copy of the affidavit of renewal by certified mail, return receipt requested, to the judgment debtor at his or her last known address within 3 days after filing the affidavit.

4. Successive affidavits for renewal may be filed within 90 days before the preceding renewal of the judgment expires by limitation.

See, *Leven v. Frey*, 123 Nev. 399 (2007) (requires strict compliance with NRS 17.214)

# WAGE GARNISHMENT

## **NRS 21.075 Notice of writ of execution: Service required; form; contents.**

1. Execution on the writ of execution by levying on the property of the judgment debtor may occur only if the sheriff serves the judgment debtor with a notice of the writ of execution pursuant to [NRS 21.076](#) and a copy of the writ. The notice must describe the types of property exempt from execution and explain the procedure for claiming those exemptions in the manner required in subsection 2. The clerk of the court shall attach the notice to the writ of execution at the time the writ is issued.

2. The notice required pursuant to subsection 1 must be substantially in the following form: .

..

**NRS 21.076 Notice of writ of execution: Manner and time of service.** The notice required by [NRS 21.075](#) must be served by the sheriff on the judgment debtor by regular mail at the debtor's last known address or, if the debtor is represented by an attorney, at the attorney's office. The service must be mailed by the next business day after the day the writ of execution was served.

## **NRS 21.090 Property exempt from execution**

Subsections (a) – (II)



## **NRS 31.295 Garnishment of earnings: Limitations on amount.**

1. As used in this section:

(a) “Disposable earnings” means that part of the earnings of any person remaining after the deduction from those earnings of any amounts required by law to be withheld. **See NRS 31.2955 re: calculations of disposable earnings.**

...

2. The maximum amount of the aggregate disposable earnings of a person which are subject to garnishment may not exceed:

(a) Eighteen percent of the person’s disposable earnings for the relevant workweek if the person’s gross weekly salary or wage on the date the most recent writ of garnishment was issued was \$770 or less;

(b) Twenty-five percent of the person’s disposable earnings for the relevant workweek if the person’s gross weekly salary or wage on the date the most recent writ of garnishment was issued exceeded \$770; or

(c) The amount by which the person’s disposable earnings for that week exceed 50 times the federal minimum hourly wage prescribed by section 206(a)(1) of the federal Fair Labor Standards Act of 1938, 29 U.S.C. §§ 201 et seq., in effect at the time the earnings are payable, whichever is less.

# CLAIMS OF EXEMPTION

## NRS 21.112

Claim of exemption must be

- filed with the Court within 10 days after notice of writ of execution
- served on sheriff, the garnishee, and the judgment creditor

Objection to claim of exemption and notice of hearing must be

- filed with the court within 8 judicial days after claim of exemption is served
- served to the judgment debtor, the sheriff, and any garnishee at least 5 judicial days before hearing
- if not filed within 8 days, property/wages must be release to judgment debtor

Except for good cause, hearing on objection to claim for exemption must be within 7 judicial days after filing the objection

Judgment debtor bears burden of proving entitlement to exemption

If sheriff/garnishee do not receive a claim of exemption within 25 calendar days of levy, property must be released to judgment creditor

## JUDGMENT AGAINST GARNISHEE DEFENDANT

NRS 31.270: Writ of garnishment must be served by the sheriff where garnishee defendant is found, in the same manner as...service of a summons in a civil action

NRS 31.320 Judgment against garnishee on failure to answer; relief from judgment.

1. If the garnishee has been duly served with the writ of garnishment and interrogatories, and been paid or tendered the fee of \$5, and the fact of the payment or tender is duly certified by the officer who served the writ over the officer's official signature, or that fact is made to appear by the person serving the writ under oath, but the garnishee fails, neglects or refuses to answer the interrogatories within the time required, **the court shall**, upon application therefor by the plaintiff with at least 5 days' notice of the hearing upon the application given to each defendant who has appeared in the action, enter judgment in favor of the defendant for the use of the plaintiff against the garnishee for:

(a) The value of the property or amount of money specified in the writ of garnishment; or

(b) If the garnishment is pursuant to [NRS 31.291](#), the amount of the lien created pursuant to that section.

2. On motion and upon such terms as are just, the court may relieve a garnishee defendant or the garnishee defendant's legal representative from any final judgment against the garnishee defendant for the same reasons and upon the same terms and conditions as provided for by rule of court for relief from a judgment or order in civil cases.

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