

**TERMINATION NOTICES BY LANDLORDS TO TENANTS  
LANDLORD INSTRUCTIONS  
(Forms #1 through #7)**

**WHAT IS INCLUDED IN THIS PACKET?**

Termination notices are comprised of two types of notices as follows:

Termination Notices

- Form #1 No-Cause Termination Notice to Vacate (NR 40.251)
- Form #2 Notice of Termination for Violation of Lease or Rental Agreement (NRS 40.2516)
- Form #3 Notice of Termination and Notice To Vacate For Wrongful Assignment or Subleasing, Waste, Unlawful Business, Nuisance or Violations of Controlled Substances Laws (NRS 40.2514)

Five-Day Notices of Unlawful Detainer

- Form #4 Five-day Notice of Unlawful Detainer for Failure to Vacate Rental Unit (No-Cause Termination) (NRS 40.251) and Notice of Summary Eviction (NRS 40.254)
- Form #5 Five-day Notice of Unlawful Detainer for Failure to Vacate Rental Unit (Violation of Lease or Rental Agreement) (NRS 40.2516) and Notice of Summary Eviction (NRS 40.254)
- Form #6 Five-day Notice of Unlawful Detainer for Failure to Vacate Rental Unit (Wrongful Assignment or Subleasing, Waste, Unlawful Business, Nuisance or Violation of Controlled Substances Laws) (NRS 40.2514) and Notice of Summary Eviction (NRS 40.254)
- Form #7 Five-day Notice of Unlawful Detainer for Non-Payment of Rent (NRS 40.2512) and Notice of Summary Eviction (NRS 40.253)

## FILLING OUT #1

No-Cause Termination Notice to Vacate, Form #1, should be used to terminate a tenancy for no cause. Tenancies without a fixed ending date, such as month-to-month or week-to-week tenancies, may be terminated without cause by serving the correct notice upon the tenant. The notice must inform the tenant that he or she must surrender the rental unit within a certain time (dependent on the type of tenancy) and must be served in conformance with NRS 40.280(1).

In the case of month-to-month tenancies, the tenant must be noticed and given thirty (30) calendar days after service of the No-Cause Termination Notice to Vacate, Form #1; in the case of week-to-week tenancies, the tenant must be noticed and given seven (7) judicial days<sup>1</sup> after service of the No-Cause Termination Notice to Vacate; and for tenancies at will, the tenant must be noticed and given five (5) judicial days after service of the No-Cause Termination Notice to Vacate.

In the case of a fixed-term lease (one with a fixed ending date) that is not being renewed, the landlord must still provide the tenant with the proper notification that the tenancy will not be renewed and is being terminated at the end of the lease term. Note that a fixed-term lease may not be terminated for no cause during the lease term, unless the lease so provides.

If a tenant who is 60 years of age or older or a tenant who has a physical or mental disability pays periodic rent on any basis, other than a week-to-week, the tenant may make a written request to the landlord, with proof of age or disability attached, to continue in possession for an additional thirty (30) calendar days. All no-cause termination notices, as well as breach of lease notices for landlords subject to Chapter 118A of the Nevada Revised Statutes, must explain these requirements.

If the tenant fails to vacate at the end of the applicable time frame, the tenancy legally terminates, and the landlord may subsequently initiate a summary eviction action by filing the applicable Five-Day Notice of Unlawful Detainer and Landlord's Affidavit/Declaration for Summary Eviction.

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<sup>1</sup> "Judicial Days" do not include date of service, weekends or legal holidays.

Complete the Notice as follows:

- Fill in the tenant name, address and date of service.
- Provide the rental unit location.
- Check the appropriate time period that applies, Numbers 1 through 6. Note that Numbers 4 and 5 require a date to be filled in.
- Fill in the date required at the “ATTENTION!” paragraph.
- Provide the landlord name, address and phone and then sign, print your name, and put in the date where indicated in the signature block.

**AFFIDAVIT/DECLARATION OF SERVICE  
AND  
SIGNATURE AND NOTARY PUBLIC / DECLARATION SECTION**

Affidavit/Declaration of Service

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 and proves the method of notification is an Affidavit/Declaration of Service.

To complete the form correctly, read the alternative methods of service described in the form. Be sure to pick the appropriate one and follow it strictly. Make sure that if service was made personally, the server, the tenant and a witness sign the form. If the service was made on someone else other than the tenant at the tenant’s residence or business and a copy was mailed to the tenant, make sure that you attach a United States Postal Service Certificate of Mailing to the Affidavit/Declaration of Service to prove that a copy was mailed to the tenant. If service was made by posting a copy at the residence and mailing a copy to the tenant, make sure that you attach a United States Postal Service Certificate of Mailing to the Affidavit/Declaration of Service to prove that a copy was mailed to the tenant. Failure to give lawful notice may result in the dismissal of the eviction and require that a new notice process begin again.

Signature and Notary Public/Declaration Section

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.

### **FILLING OUT FORM #2**

Notice of Termination for Violation of Lease or Rental Agreement, Form #2, should be used when the tenant is in breach of the lease or rental agreement. The landlord must specify the “acts and omissions constituting the breach” in the notice. The landlord must detail the how, when, who, and where of the alleged breach of the lease or rental agreement by the tenant in the notice. Merely referring to the lease clause or general allegations will not suffice to fulfill the specificity requirement.

The notice must advise the tenant that he or she must surrender the rental unit within five (5) judicial days after service. It must also advise the tenant of his or her right to cure (correct) the breaches within those same five (5) judicial days and save his or her tenancy from forfeiture. However, if the breach is not remediable, the landlord need not give such notice of the right to cure.

If a tenant 60 years of age or older or with a physical or mental disability pays periodic rent on any basis, other than a week-to-week, the tenant may make a written request to the landlord, with proof of age or disability attached, to continue in possession for an additional thirty (30) days. All no-cause termination notices, as well as breach of lease notices for landlords subject to Chapter 118A of the Nevada Revised Statutes, must contain such an advisement.

If the tenant fails to either cure the breach or vacate by the end of the five-day notice period, then the tenancy legally terminates, and the landlord may subsequently initiate a summary eviction action by filing the applicable Five-Day Notice of Unlawful Detainer and Landlord's Affidavit/Declaration for Summary Eviction.

#### **Complete the Notice as follows:**

- Fill in the tenant name, address and date of service.
- Provide specific information regarding the violation.
- Provide the dates required.
- Provide the landlord name, address and phone and then sign, print your name, and put in the date where indicated in the signature block.

**AFFIDAVIT/DECLARATION OF SERVICE  
AND  
SIGNATURE AND NOTARY PUBLIC / DECLARATION SECTION**

Affidavit/Declaration of Service

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To complete the form correctly, read the alternative methods of service described in the form. Be sure to pick the appropriate one and follow it strictly. Make sure that if service was made personally, the server, the tenant and a witness sign the form. If the service was made on someone else other than the tenant at the tenant's residence or business and a copy was mailed to the tenant, make sure that you attach a United States Postal Service Certificate of Mailing to the Affidavit/Declaration of Service to prove that a copy was mailed to the tenant. If service was made by posting a copy at the residence and mailing a copy to the tenant, make sure that you attach a United States Postal Service Certificate of Mailing to the Affidavit/Declaration of Service to prove that a copy was mailed to the tenant. Failure to give lawful notice may result in the dismissal of the eviction and require that a new notice process begin again.

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**FILLING OUT FORM #3**

Notice of Termination and Notice to Vacate for Wrongful Assignment or Subleasing, Waste, Unlawful Business, Nuisance or Violations of Controlled Substances Laws, Form #3, should be used to terminate a tenancy if a tenant

1. assigns or subleases the rental unit contrary to the lease,
2. commits or permits waste on the rental unit,

3. sets up or carries on an unlawful business on the rental unit,
4. suffers, permits or maintains a nuisance on or about the rental unit, or
5. violates the controlled substance laws contained in NRS 453.011 through 453.552 (except for NRS 453.336) on or in the rental unit.

The notice should detail the specifics of the alleged violation, and it must inform the tenant that he or she has three (3) judicial days from the date of proper service to vacate. If the tenant fails to vacate after three days after service upon the tenant have passed, the tenancy legally terminates, and the landlord may subsequently initiate a summary eviction action by filing the applicable Five-Day Notice of Unlawful Detainer and Landlord's Affidavit/Declaration for Summary Eviction.

Complete the Notice as follows:

- Fill in the tenant name, address and date of service.
- Provide the rental unit location.
- Check the appropriate reasons that apply, Numbers 1 through 5.
- Provide specific information in the blank lines.
- Fill in the date required at the "ATTENTION!" paragraph.
- Provide the landlord name, address and phone, and then sign, print your name, and put in the date where indicated in the signature block.

**AFFIDAVIT/DECLARATION OF SERVICE  
AND  
SIGNATURE AND NOTARY PUBLIC / DECLARATION SECTION**

Affidavit/Declaration of Service

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 and proves the method of notification is an Affidavit/Declaration of Service.

To complete the form correctly, read the alternative methods of service described in the form. Be sure to pick the appropriate one and follow it strictly. Make sure that if service was made personally, the server, the tenant and a witness sign the form. If the service was made on someone else other than the tenant at the tenant's residence or business and a copy was mailed to the tenant, make sure that you attach a United

States Postal Service Certificate of Mailing to the Affidavit/Declaration of Service to prove that a copy was mailed to the tenant. If service was made by posting a copy at the residence and mailing a copy to the tenant, make sure that you attach a United States Postal Service Certificate of Mailing to the Affidavit/Declaration of Service to prove that a copy was mailed to the tenant. Failure to give lawful notice may result in the dismissal of the eviction and require that a new notice process begin again.

### Signature and Notary Public/Declaration Section

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.

### **NOTE: Non-payment of Rent**

No notice is required to terminate a tenancy for non-payment of rent. Once the tenant is in default of payment of rent, the landlord may initiate a summary eviction action by filing the applicable Five-Day Notice of Unlawful Detainer and Landlord's Affidavit/Declaration for Summary Eviction.

### **INITIATING THE SUMMARY EVICTION PROCESS**

Once the tenancy has been legally terminated, as described above, and the tenant is in unlawful detainer, the landlord may initiate a summary eviction action by properly serving the tenant with the applicable Five-Day Notice of Unlawful Detainer.

If the tenant fails to vacate the rental unit within five (5) judicial days<sup>2</sup> after service of the Five-Day Notice of Unlawful Detainer, or alternatively, in the case of non-payment of rent, fails to pay the rent within five (5) judicial days after service of the Five-Day Notice of Unlawful Detainer, the landlord may apply to the court for an eviction order by completing the applicable Affidavit/Declaration for Summary Eviction. There are two different Landlord's Affidavits/Declarations:

- Landlord's Affidavit/Declaration for Summary Eviction for Non-Payment of Rent, Form #8, is used for non-payment of rent case.

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<sup>2</sup> "Judicial Days" do not include date of service, weekends or legal holidays.

- Landlord's Affidavit/Declaration for Summary Eviction for Breach, Form #9, is used in all other summary eviction cases.

If both the tenant and the landlord have timely filed their respective Affidavits/Declarations, the court must hold a hearing, after service of notice of the hearing upon the parties, to determine the truthfulness and sufficiency of any Affidavit/Declaration or Notice required for summary eviction. If the court determines that the tenant does not have a legal defense and is guilty of an unlawful detainer, the court may issue a summary eviction order. If the court determines that the tenant has raised a legal defense to the alleged unlawful detainer, it must refuse to grant either party any relief, and any further proceedings must be conducted pursuant to the summons and complaint procedure.

If the tenant did not file a Tenant's Affidavit/Declaration, a hearing may or may not be held, depending on local court practice. If a hearing is not held, the landlord must still apply for the eviction order by filing the applicable Landlord's Affidavit/Declaration for Summary Eviction with the court after the tenant has failed to comply with the unlawful detainer notice. Note that in a default hearing (where the tenant does not appear at the hearing), the judge cannot grant an eviction order unless the landlord files proper proof of service and arguably, may not grant an eviction order absent proof of service even when the tenant appears at the hearing.

#### **FILLING OUT FORM #4**

Five-Day Notice of Unlawful Detainer for Failure to Vacate Rental Unit and Notice of Summary Eviction, Form #4, should be used to initiate a summary eviction when the tenancy has been terminated by the service and expiration of the No-Cause Termination Notice to Vacate, Form #1, pursuant to NRS 40.251, and the tenant has failed to vacate. This notice must be served upon the tenant in accordance with NRS 40.280 and the correct proof of service must be obtained.

#### **Complete the Notice as follows:**

- Fill in the tenant name, address and date of service.
- Provide the rental unit location.



- Check the appropriate time period that applies, Numbers 1 through 6. Note that Numbers 4 and 5 require a date.
- In the “ATTENTION!” paragraph, provide the Township name and filing fee information.
- Provide the landlord name, address and phone and then sign, print your name, and put in the date where indicated in the signature block.

**AFFIDAVIT/DECLARATION OF SERVICE  
AND  
SIGNATURE AND NOTARY PUBLIC / DECLARATION SECTION**

Affidavit/Declaration of Service

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 and proves the method of notification is an Affidavit/Declaration of Service.

To complete the form correctly, read the alternative methods of service described in the form. Be sure to pick the appropriate one and follow it strictly. Make sure that if service was made personally, the server, the tenant and a witness sign the form. If the service was made on someone else other than the tenant at the tenant’s residence or business and a copy was mailed to the tenant, make sure that you attach a United States Postal Service Certificate of Mailing to the Affidavit/Declaration of Service to prove that a copy was mailed to the tenant. If service was made by posting a copy at the residence and mailing a copy to the tenant, make sure that you attach a United States Postal Service Certificate of Mailing to the Affidavit/Declaration of Service to prove that a copy was mailed to the tenant. Failure to give lawful notice may result in the dismissal of the eviction and require that a new notice process begin again.

Signature and Notary Public/Declaration Section

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.

## **FILLING OUT FORM #5**

Five-Day Notice of Unlawful Detainer for Failure to Vacate Rental Unit and Notice of Summary Eviction, Form #5, should be used to initiate a summary eviction action when the tenancy has been terminated for breach of the lease or rental agreement by the service of the Notice of Termination for Violation of Lease or Rental Agreement, Form #2, pursuant to NRS 40.2516, and the tenant has either failed to cure, or there is no right to cure, and the applicable time to vacate has passed. This notice must be served in accordance with NRS 40.280 and the correct proof of service must be obtained.

### **Complete the Notice as follows:**

- Fill in the tenant name, address and date of service.
- Provide the rental unit location.
- Check the appropriate time period that applies, Numbers 1 through 3.
- In the “ATTENTION!” paragraph, provide the Township name and filing fee information.
- Provide the landlord name, address and phone and then sign, print your name, and put in the date where indicated in the signature block.

## **AFFIDAVIT/DECLARATION OF SERVICE AND SIGNATURE AND NOTARY PUBLIC / DECLARATION SECTION**

### **Affidavit/Declaration of Service**

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 and proves the method of notification is an Affidavit/Declaration of Service.

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prove that a copy was mailed to the tenant. If service was made by posting a copy at the residence and mailing a copy to the tenant, make sure that you attach a United States Postal Service Certificate of Mailing to the Affidavit/Declaration of Service to prove that a copy was mailed to the tenant. Failure to give lawful notice may result in the dismissal of the eviction and require that a new notice process begin again.

#### Signature and Notary Public/Declaration Section

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#### **FILLING OUT FORM #6**

Five-Day Notice of Unlawful Detainer for Failure to Vacate Rental Unit and Notice of Summary Eviction, Form #6, should be used to initiate a summary eviction when the tenancy has been terminated by the service and expiration of the Notice of Termination and Notice To Vacate For Wrongful Assignment or Subleasing, Waste, Unlawful Business, Nuisance or Violations of Controlled Substances Laws, Form #3, pursuant To NRS 40.2514, upon the tenant and the tenant has failed to vacate. This notice must be served upon the tenant in accordance with NRS 40.280 and the correct proof of service must be obtained.

#### Complete the Notice as follows:

- Fill in the tenant name, address and date of service.
- Provide the rental unit location.
- In the "ATTENTION!" paragraph, provide the Township name and filing fee information.
- Provide the landlord name, address and phone, and then sign, print your name, and put in the date where indicated in the signature block.

**AFFIDAVIT/DECLARATION OF SERVICE  
AND  
SIGNATURE AND NOTARY PUBLIC / DECLARATION SECTION**

Affidavit/Declaration of Service

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 and proves the method of notification is an Affidavit/Declaration of Service.

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**FILLING OUT FORM #7**

Five-Day Notice of Unlawful Detainer for Non-Payment of Rent and Notice of Summary Eviction, Form #7, should be used to initiate a summary eviction action when the tenant is in default of payment of rent. Rent includes the periodic rental payments, as well as any applicable late fees set forth in the rental agreement. This notice must be served in accordance with NRS 40.280, and the correct proof of service must be obtained.

Complete the Notice as follows:

- Fill in the tenant name, address and date of service.
- Provide the rental unit location, monetary and date information.
- In the first “ATTENTION!” paragraph, provide the Township name and filing fee information.
- In the second “ATTENTION!” paragraph, provide the Township and County names.
- Provide the landlord name, address and phone and then sign, print your name, and put in the date where indicated in the signature block.

**AFFIDAVIT/DECLARATION OF SERVICE  
AND  
SIGNATURE AND NOTARY PUBLIC / DECLARATION SECTION**

Affidavit/Declaration of Service

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 and proves the method of notification is an Affidavit/Declaration of Service.

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