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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: _____

APPLICATION FOR A TEMPORARY WRIT OF RESTITUTION

NOW COMES Plaintiff and makes Application for a Temporary Writ of Restitution pursuant to NRS 40.300(3) and requests that the Court issue an Ex Parte Order to Show Cause Why a Temporary Writ of Restitution Should Not Issue, and after service thereof to conduct a hearing at the date and time given in such Order to Show Cause. If at that hearing the Court determines that a Temporary Writ of Restitution should issue, then Plaintiff requests that the Court ascertain the probable loss to the tenant if a Temporary Writ of Restitution is issued.

1 Plaintiff describes in the accompanying affidavit the basis for this application.
2 Plaintiff _____ request that the hearing occur prior to the expiration of
3 (does or does not)
4 eleven (11) calendar days subsequent to the date of service of the Complaint and
5 Summons. If Plaintiff does make a request for an earlier show cause hearing,
6 Plaintiff describes in the affidavit the extraordinary circumstances justifying such
7 earlier hearing date.
8

9 **POINTS AND AUTHORITIES**

10 Pursuant to NRS 40.300(3) upon application, the Court may issue an Order
11 to Show Cause Why a Temporary Writ of Restitution Shall Not Be Issued. At the
12 hearing indicated in the Order, the Court shall determine if a Temporary Writ of
13 Restitution should issue.
14

15 In Farnow v Department 1 of Eighth Judicial District, 64 Nev. 109, 126, 178
16 P.2d 371, 379 the Nevada Supreme Court stated:

17 We do not believe to be constitutional any procedure so
18 speedy, summary and drastic as to enable a landlord to
19 dispossess a tenant without first showing, by competent, relevant
20 and material evidence, at a hearing, judicially, fairly and impartially
21 conducted, the existence of sufficient facts to establish, at least
prima facie, the clear right to the immediate possession of the
property involved.

22 If the Court determines that a Temporary Writ of Restitution should issue,
23 the Court shall not issue the Temporary Writ until the Landlord has posted a bond
24 set by the Court, pursuant to NRS 40.300(3). The Court determines the amount of
25 the bond based on the Tenant's probable loss.

26 The hearing on such order to show cause shall not occur until at least 11
27 calendar days after the Tenant has been served with Summons and Complaint,
28 unless the request is premised on extraordinary circumstances. If the order to show

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cause indicates a hearing date prior to the 11th calendar day after service of the
Summons and Complaint, the show cause order must describe the alleged
extraordinary circumstances that justify an earlier hearing date.

Submitted by,

Date

Signature of Landlord/Plaintiff or Duly
Authorized Agent

Print Name of Landlord/Plaintiff or Duly
Authorized Agent

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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