

TONOPAH JUSTICE COURT, NYE COUNTY, NEVADA
P O Box 1151, 101 Radar Rd., Tonopah NV 89049
775-482-8155

Information for Filing a Small Claims Action

You are known as the *Plaintiff*. The person you are suing is known as the *Defendant*. You *must* present your own claim. When you come to court, bring everything you need to prove your claim. When you file the small claims complaint, the clerk will tell you when your case is set for trial and your case number. Your court date will be approximately 45 days after you file. The Clerk will prepare the papers for you from the information provided. The Court *does not* investigate the claim for you. You may subpoena a witness at your own expense, and you may do this at our office *after the case has been served and the Court has received the affidavit of service*. There is no fee for issuing a subpoena; however, the Sheriff's Civil Department will charge a fee for service.

You may file your claim in this Court only if:

1. The parties you are suing *resides, operates a business or is employed at the time the cause of action arose or the time the complaint was filed OR in a case involving injury to person or property, the injury was committed in this township*. In a case involving a person who has contracted to perform an obligation at a particular place, the township would be where the obligation is or was to be performed, unless there is a special contract to the contrary. You **MUST** have a current address (physical and mailing) of the defendant. If your claim meets these criteria, you will file your claim at the Tonopah Justice Court, 101 Radar Road, Tonopah, Nevada 89049 (775) 482-8155.
2. You are 18 years old or older.
3. Your claim is *for money only* and *does not exceed \$10,00.00*. If your claim is for more than \$10,000.00, you may waive any amount over that sum and sue for just \$10,000.00; however, you *cannot divide a claim and file separate actions to reduce the sum claimed to meet the maximum allowed*. If your claim exceeds \$10,000.00, we suggest you contact an attorney.
4. You have *demand payment* of the amount for which you are suing. A letter sent by certified mail, return receipt requested, serves as proof that a demand has been made. Allow sufficient time for a reply. If there is no satisfactory reply, bring in your post office certified mail receipt, or other proof of service, and we will file your claim.

If you are suing a business:

IT IS VERY IMPORTANT that you have the correct information before filing the claim. The following information is required:

- If it is a corporation, you must sue the corporation and serve the claim upon a corporate officer or resident agent.
- Information on corporations may be obtained from the State of Nevada, Secretary of State, 2250 Las Vegas Blvd. North, Suite 400, Las Vegas NV 89030, (702) 486-2880, OR (775) 684-5708.
- If you are suing a business owned by an individual, you must have the proper name of the owner and the business. This information may be obtained from a Business License office. To obtain information about a business within this jurisdiction, please contact the Tonopah Public Utilities office where local business license information is filed.

FILING FEES:

The filing fee for your claim depends on the amount of money for which you are suing:

- For suits in the amount of \$1.00 to \$1,000.00, the filing fee is \$46.00*
- For suits in the amount of \$1,000.01 to \$2,500.00, the filing fee is \$66.00*
- For suits in the amount of \$2,500.01 to \$5,000.00, the filing fee is \$86.00*
- For suits in the amount of \$5,000.01 to \$7,500.00, the filing fee is \$126.00*
- For suits in the amount of \$7,500.01 to \$10,000.00, the filing fee is \$176.00*
- * *Includes \$1.00 fee per NRS 4.065*

SERVICE OF PROCESS:

Service of process will be determined by the court. The service may be by certified mail return receipt requested, or the court may direct that personal service be made by a qualified person, ie. sheriff's office or process server. Payment for costs incurred for service must be made at the time of filing and may be recovered as part of the judgment. Service of the order shall be made on the Defendant at least 10 days prior to the date the Defendant is required to appear.

TRIAL DATE:

The Court will assign a court date to your claim at the time it is filed. When you come to court, be on time. If you are not here when your case is called, it will be dismissed and you will have to start over. When you come to court, bring everything you need to prove your claim. It is up to you to present your claim. This means you must prove to the judge why the other party owes you money. If you plan to bring paper exhibits as evidence, please bring the original and two copies of each item. If the court has to make copies for you, the charge is \$0.50 per page.

APPEAL:

If you are dissatisfied with the judgment, you may appeal the court's decision within 5 days after the date of entry of the judgment. The party appealing is required to post a cash bond. The court does not provide any forms or assistance in filing your appeal. If you need legal advice or help in filing your appeal, you should consult with an attorney.

*** * * PLEASE REMEMBER * * ***

This is your claim. **YOU ARE THE PLAINTIFF.** This Court will file your claim from the information you provide. The Court does not investigate addresses, employment, bank accounts, etc. If the Court awards you a judgment, you are responsible for locating all information needed to collect on that judgment.

Our staff cannot give legal advice.
We can only explain procedures and provide the Court's forms.

**IN THE JUSTICE'S COURT, TONOPAH TOWNSHIP
COUNTY OF NYE, STATE OF NEVADA**

P O Box 1151 101 Radar Road Tonopah NV 89049-1151
(775) 482-8155

CASE NO. _____

Name

Name

Address

Address

PLAINTIFF

DEFENDANT

STATE OF NEVADA)
) ss.
COUNTY OF NYE)

)

**AFFIDAVIT OF COMPLAINT
AND ORDER SETTING TRIAL**

_____, being first duly sworn, deposes and says: That the defendant is indebted to the plaintiff in the sum of \$ _____; that the reason for this indebtedness is _____;

that this affiant has demanded payment of the sum: that the defendant refused to pay the same; that one or more of the defendants is a resident of, does business in, or is employed in Tonopah Township, in the County of Nye, State of Nevada; that affiant resides at the above address.

Plaintiff - Affiant

Subscribed and sworn to before me this _____ day of _____, 20 _____.

Justice of the Peace, Clerk or Notary

ORDER

The State of Nevada to the within-named Defendant, Greetings:

You are hereby ordered to appear for trial and to be prepared to answer the within and foregoing claim at Tonopah Justice Court, 101 Radar Road, Tonopah, Nevada, on the _____ day of _____, 20____, at the hour of _____ and to establish your defense against said claim. You are further notified that in the event you do not appear, judgment will be given against you for the amount of claim as stated in the above affidavit of complaint.

Dated this _____ day of _____, 20 _____.

Clerk or Justice of the Peace

**INFORMATION SHEET FOR SMALL CLAIMS
TONOPAH TOWNSHIP JUSTICE COURT
COUNTY OF NYE, STATE OF NEVADA**

Case No. _____

(Please type or neatly print)

I. PLAINTIFF: _____

MAILING ADDRESS: _____
(include city, state, zip)

PHONE NO. (HOME) _____ **(WORK)** _____

II. DEFENDANT(S): _____

RESIDENT AGENT (If applicable): _____

MAILING ADDRESS: _____
(include city, state, zip)

PHYSICAL ADDRESS: _____
(include city, state, zip)

PHONE NO. (home) _____ **(work)** _____

DEFENDANT'S EMPLOYER: _____

EMPLOYER'S ADDRESS/PHONE:

PHYSICAL ADDRESS: _____ (Phone No.)

MAILING ADDRESS: _____ (Phone No.)

DEFENDANT [] resides, [] does business, or [] employed in Tonopah Township.

III. AMOUNT OF SUIT: \$ _____ (Do not include costs to file

IV. & serve this suit.)

STATE BRIEFLY THE REASON FOR THE SUIT: _____

**HAVE YOU AND THESE DEFENDANTS EVER BEEN INVOLVED IN A SUIT ON THIS
ISSUE IN THE PAST?** [] yes [] no If yes, when: _____

If yes, state below a brief summary of the suit, location, and details of the judgment, if any:

(You may use the back of this form, if necessary.)