

EX PARTE
MOTION FOR
PUBLICATION OF
SUMMONS

IMPORTANT

**THIS PACKET IS IN NO WAY INTENDED TO SUBSTITUTE FOR THE
ADVICE OF A PRIVATE ATTORNEY**

Private Counsel Is Always Recommended For Legal Matters

The law allows any person to represent themselves in a legal action. However, filing an action with the Court and representing yourself in the courtroom can be a complicated legal procedure and this packet does not attempt to address all the legal issues involved in bringing your matter before the court. This packet is created to help you access the legal system without the assistance of an attorney.

When representing yourself, you are responsible for understanding the law that governs your case and for filing the proper legal documents. The laws and rules are set out in the Nevada Revised Statutes, the Rules of Civil Procedure, and the local rules governing the jurisdiction in which you are filing your documents.

When you sign these documents and present them for filing with the court, it is assumed by the Court that you have carefully read the documents, that you understand all the terms in the documents, that you agree with all the provisions in the documents, and that you are aware of all the consequences those provisions may produce.

Before filling in any portion of the following documents, read all the materials included in this packet regarding custody, visitation, child support and definitions of terms.

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**GENERAL INFORMATION ABOUT FILING AN EX PARTE MOTION FOR
PUBLICATION OF SUMMONS**

The forms must be typewritten or legibly handwritten in black ink.

This packet to be used ONLY when:

- 1. You do not know where the Defendant can be found to be served with the Complaint and Summons, and**
- 2. You have attempted to find the Defendant and have been unsuccessful in locating the Defendant.**

There is no fee to file this document, so long as you have paid your fee with the initial filing of your documents.

There are facilities for copying your documents at the Court Clerk's office at the charge of **\$.025 per page**. Therefore, it is recommended that you make any copies of the documents you may want, or need, prior to going to the Court Clerk's office. You will need **two** copies of each document to be filed unless told otherwise. If exhibits are attached to the original document, a copy of the exhibits must be attached to each copy.

Location of the Court Clerk's Office

The Court Clerk's Office for **Churchill County** is located at 73 N. Maine Street, Suite B, Fallon, NV, 89406, on the second floor. The phone number is (775) 423-6088.

If you are mailing the documents to the Court Clerk's office for filing, OR if you have submitted an Order of Decree for the Judge to sign, **it is strongly suggested that you provide a self-addressed, stamped envelope when you file your documents. A copy of the file-stamped documents will then be mailed to you.**

FILLING OUT THE DOCUMENTS

- 1. For All Documents:** Fill in the spaces on lines 9 through 13, **exactly** as they appear in your other documents. This is the "heading" of the document and it is always the same. If you are the Plaintiff in the original document, you will remain the Plaintiff; if you are listed as the Defendant in the original document, you will remain the Defendant. The Case No. and Dept. No. are always the same.
- 2. The Ex Parte Motion:** NOTE: A serious attempt to locate the party must be made. The Court will not issue an Order allowing service by publication without proof that you have made a diligent and serious attempt to find the other party in testate of Nevada. Such attempts should include; a check with the utility companies to see if the other party has utilities in their name; a check with the Department of Motor Vehicles (DMV) to see if the other party has a license or registration address; a check on the Internet locators; and

checking with family, friends, past landlords and employers. All these attempts must be listed in the Motion.

3. Fill in the information required in each of the spaces. Do not leave any spaces blank. If is important you tell the Court the last known address of the Defendant, the last time you actually saw the Defendant, and the last time there was any communication, at all, between you and the Defendant.
4. On page 2, paragraph 3, you **must** state, **in detail**, your serious efforts to find the Defendant in the State of Nevada. Just stating you do not know where the Defendant is, and have not seen or heard from the Defendant in a number of years **is not enough**. You must be very **specific** in stating how you attempted to find the Defendant. If you called the utilities companies and DMV, state to whom you talked and what they said. If you went on the Internet, print out the results of the locator information. If you made telephone calls to individuals, give their names, when you call and what they told you. If you used a private detective or professional process server to search for the Defendant, have that person sign an affidavit and attach it to your ex parte motion. The more detail you can give the Judge, the more likely the motion will be granted.
5. The law requires you to mail a copy of the Summons and Complaint by certified mail, return receipt requested, to the Defendant's last known address. You may do the mailing before or after the order allowing publication is filed.
6. **These documents must be signed in the presence of a Notary Public.**
7. The Request for Submission: In order to submit a Motion, Request, Objection, Petition, or other original document to the court for consideration, a Request for Submission must be filed. The Court may not review the file unless this document is filed.
8. Once the documents are completed, make two copies of each. Serve **one copy** as noted in the Certificate of Services. If there are multiple parties, make enough copies for yourself and each party. Take the original **and one copy** to the Court Clerk to be filed. The copy will be returned to you and your file.
9. The Order: Complete all information, but do not fill in the dates, times, or sign the document.
10. Submit the original Order and two copies to the Court Clerk, who will give them to the Judge. If the Order is signed, a file-stamped copy will be mailed to you if you have provided a self-addressed, stamped envelope.
11. When you receive a copy of the Order for Publication, take the copy of the Summons that was issued when the Complaint was filed to the newspaper for publication. The Summons must be published one a week for a period for four weeks.

12. The Proof of Mailing: Mail a copy of the summons and Complaint, together with the above documents, to the other party at their last known address by certified mail, return receipt requested. This step must be done even if you know the other party has not been at that address for a long period of time. When the return receipt or envelope is returned to you, the return receipt or copy of the envelope and original receipt from the post office showing you mailed the envelope must be attached to the Proof of Mailing form.
13. The Proof of Publication: When the publication is completed, the newspaper will mail you an “Affidavit of Publication,” which will have a copy of the Summons as it appeared in the newspaper and the run dates. The original Affidavit of Publication must be attached to the Proof of Publication form.
14. Once the documents are completed, make two copies of each. Serve **one copy** as noted in the Certificate of Services. If there are multiple parties, make enough copies for yourself and each party. Take the original **and one copy** to the Court Clerk to be filed. The copy will be returned to you and your file.
15. Response by Other Party: The other party has twenty (20) days after the last published date to file a response. If the other party does not file a response at that time, you may file the Default packet that is appropriate to your action.
16. If the other party DOES respond, it is strongly advised you seek assistance of counsel in pursuing the course of discovery and setting the matter for hearing.

If you need guidance in filling out the forms or in the procedure of the case, seek the advice of a private attorney.

NOTE: YOU MAY NOT USE THESE FORMS IF YOU ARE PRESENTLY REPRESENTED BY AN ATTORNEY IN THIS MATTER.