EX PARTE MOTION

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 OR REQUEST

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

EX PARTE MOTIONS ARE NORMALLY USED IN EMERGENCY SITUATIONS ONLY, WHERE IMMEDIATE ACTION IS REQUIRED BY THE COURT FOR THE PROTECTION OF SOMEONE OR SOMETHING. Examples include a child in physical danger from a parent or guardian, a parent's removal of a child out of state without consent, to protect property and insurance pending a divorce action, or to permit service of Summons and Complaint by publication or an out of state resident.

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 Motion: If there is a space for a Notary public, then **the document must be signed in the presence of a Notary Public.**

3. 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.

4. 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.

5. The Order: Complete all information, but do not fill in the dates, times, or sign the document.

6. 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.

7. The Judge may schedule a hearing for the matter rather than signing the Order at that time. If so, you will be notified by mail of the time and date of the hearing. The Order should be prepared to be submitted to the Judge at the hearing if not previously provided.

8. The Affidavit of Service: The opposing party must be personally served with a copy of the Order and a copy of the Ex Parte Motion as soon as possible after the Order is issued. Service may be made by mail or by personal service. After the documents have been served on the other party, the Affidavit of Service must be filled out and filed with the Court Clerk.

9. Place an "X" on the appropriate line indication who served the document (you or a friend), and the method of service (by mail or personal service). The Affidavit of service is to be filled out and signed by the personal who actually mails or personally services a copy of the documents on the other party or their attorney.

10. **These documents must be signed in the presence of a Notary Public.**

11. Once the Affidavit of Service has been notarized, make two copies. Take the original and copies to the Court Clerk to be filed. The copies will be returned to you. One copy is for your file, the second for the other party.

12. **If a hearing is scheduled, the Affidavit of Service must be filed prior to the hearing or the hearing will be continued.**

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.