

# JUSTICE COURT

NEW RIVER TOWNSHIP  
COUNTY OF CHURCHILL, STATE OF NEVADA  
Judge Benjamin D. Trotter

71 N. Maine Street  
Fallon, Nevada 89406

Office: (775) 423-2845  
Fax: (775) 423-0472

## INFORMATION FOR THE GUIDANCE OF THE PLAINTIFF IN A SMALL CLAIMS ACTION IN CHURCHILL COUNTY

1. The purpose of Small Claims is to resolve disputes, not to act as a collection agency.
2. Cases may be filed for the recovery of money or services rendered where the amount claimed does not exceed **\$10,000.00**. The Defendant being sued must be a resident of Churchill County, pursuant to NRS 73.010. The Plaintiff must supply the Court with the Defendants full name, correct residential address, or employment address.
3. See attached list for filing fees. Notice of filing is sent to the Defendant by certified mail of Sheriff's personal service. The fee for certified mail is **\$6.74**. If you wish personal service, the paperwork will be prepared by the court and handed to you to take to the Sheriff's Department to pay them the necessary service fees and to give any instructions regarding the service. If you are mailing in your paperwork (2) separate checks will be required, one check to the Court for filing fees and one to the Sheriff's Office for service. If you desire to have the defendant served by certified mail, the fee of **\$6.74** may be included in the check of Court filing fees. The court date will be approximately 4-8 weeks following the filing. **Before appearing in Court at the time set for hearing, make certain the Defendant has been served by calling the Justice Court, 423-2845.** If a Plaintiff fails to appear for trial, the case will be dismissed.
4. **DO NOT SUBMIT ANY EVIDENCE** of your claim prior to the hearing. **BUT, AT THE TIME OF THE HEARING YOU ARE REQUIRED TO BRING THE ORIGINAL DOCUMENTS AND 2 COPIES.** No pre-trial conferences with the judge will be granted unless BOTH parties are present. Although a person may be represented by an attorney the Court cannot award attorney fees.
5. When you appear in Court to establish your claim, you must establish such facts of your case by showing a **preponderance** of the evidence. This means the Plaintiff must prove:
  - A) That the Defendant is indebted to him.
  - B) The amount of the indebtedness.
  - C) That demand for payment of the sum has been made.
  - D) That the Defendant has refused to acknowledge the debt.
6. Either party may appeal to the District Court **WITHIN FIVE WORKING DAYS** of judgment. A Notice of Appeal to the District Court must be filed with the Justice Court, along with the filing fees of **\$184.00**, (**\$50**, for Justice Court, **\$134**, to the District Court), plus a cost bond in the amount of **\$250.00** if you are the plaintiff appealing or the cost of the **judgement** if you are the defendant appealing. Additionally the person appealing must post with the Court a deposit of **\$100.00** toward the cost of a transcription of the hearing with any balance owing due upon delivery. Legal advice regarding the District Court requirements cannot be given by the Judge of the Clerks. You may wish to contact a private attorney to help you with this procedure.
7. Judgments state the resolution of the dispute. Even though a Plaintiff is granted judgment in an action, he must provide the Court with information needed to execute upon any available assets, bank account, or salary after such judgment has been granted.
8. **When the judgment is satisfied by the Defendant it is necessary to file a satisfaction of judgment with the court.** The court will provide the satisfaction of judgment form to the Plaintiff when the Plaintiff requests it.
9. In keeping with the dignity and decorum of the Court, the following attire is requested for Court appearances:
  - A) Male: Long or short sleeve dress-type shirts, slacks, or dress-type denim trousers, dress shoes or boots.
  - B) Female: Dresses, dress slacks, or skirts & blouses, dress shoes.

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**TIPS ON HOW TO REPRESENT YOURSELF IN COURT**

**1. Arrive at the Courthouse Early.**

Your court hearing is not an appointment that you can simply reschedule if you miss it. If you need to change your court date for some reason, you will need to file legal documents requesting a different court date or get the other side to agree to the change in writing.

**2. Bring Your Files**

You should have a file with copies of all papers you and the other side have filed with the court, or given to each. Bring a notepad and pens for taking notes during the hearing.

**3. Bring your Evidence and Witnesses**

What you need to bring to court with you may depend on the nature of your hearing or trial. Witnesses may or may not be allowed to testify on your behalf depending on the type of hearing. If you are suppose to bring evidence and witnesses to the hearing, bring everything. Ask your witnesses to arrive early and dress nicely. If an important witness will not come voluntarily, you may consider requesting the court to issue a subpoena.

If you have documents or pictures, you must bring the original item and two (2) copies or the Judge will not hear your case. (original for the court, one copy for you, and one copy for the other side.) Things that you may need to bring to court may include any contracts at issue, receipts, estimates, letters, bills photographs, etc. Some documents can't be used as evidence unless the right person is in the courtroom to explain the document and answer questions about it. There are many rules about evidence and you may want to talk to a lawyer about what evidence you need and how to make sure your evidence can be considered by the judge.

**4. Arrange for an Interpreter**

Make sure that you and your witness are able to testify. If you do not have an interpreter, contact the court.

**5. Dress Appropriately**

Dress conservatively. You are not required to wear any particular type of outfit like a suit but you should refrain from wearing shorts, tank tops, halter-tops, or shirts that show your midriff. All hats and sunglasses must be taken off prior to entering the courtroom.

**6. Arrange for Childcare**

Unless you are required to bring your children to court for some reason, make arrangements to have someone else watch them.

**7. Bring an outline of what you want to say**

Representing yourself in court can be an intimidating experience. You do not want to read a prepared statement but an outline can be useful tool to remind you of the main points that you want to cover.

### **8. Conduct yourself properly in the courtroom**

Do not chew gum, eat, read a newspaper, sleep, listen to earphones, or have your cell phone turned on.

During the hearing you should listen carefully and talk directly to the judge whom you should address as "Judge" or "Your Honor".

Do not talk when the Judge is talking

Do not speak unless you have the judge's permission. When the judge gives you permission to talk, talk to the judge, not anyone else.

Do not raise your voice or act in a hostile or aggressive way. Do not make any negative, threatening or harassing statements or gesture to anyone.

Do not interrupt anyone.

Do not argue with the judge, a witness, or a lawyer.

Do not talk; make noise or gesture with your body when someone else is talking.

Do not use any electronic device, recorder or camera.

Do not come and go from the courtroom while court is in session.

Do not raise your hand to speak. It is up to the participants to call witnesses. If you are not called by a participant or the court as a witness you will not be allowed to speak.

During your hearing keep your emotions in check. If the other side is making an argument that you disagree with or you feel that they are just plain lying, be sure to write down the point that you wish to make. You will have the opportunity to address this point with the Judge either when it is your turn to speak or after the other side has finished speaking.

### **9. Understand what just happened**

Representing yourself in court can be an emotional experience but you do not want to leave the courtroom without understanding the outcome of the hearing or trial and what, if anything, you need to do next. For instance, will you need to attend another hearing? Do you need to prepare any written legal arguments or file any documents with the Court? Do you need to prepare an order or will the Judge do this? Seek clarification from the judge at the time of the hearing, for example: "Your Honor, I need to file the document by what date?"

Disclaimer: The information provided in intended as a courtesy only. The court and its employees shall not be liable for errors contained herein or for direct, indirect, special or consequential damages in connection with the furnishings of this material. The information only includes basic, general information and may not fit all situations. Some rights cannot be adequately protected without the assistance of an attorney.

IT IS YOUR RESPONSIBILITY TO  
BRING ANY EVIDENCE (BOOKS,  
PAPERS, PICTURES AND WITNESSES) AT  
THE TIME OF THE HEARING TO  
SUPPORT YOUR CLAIM. YOU  
ARE REQUIRED TO BRING THE  
ORIGINAL DOCUMENTS AND  
TWO (2) COPIES OF ANY  
EVIDENCE YOU WANT TO  
SUBMIT TO THE COURT. THE  
COURT WILL NOT MAKE COPIES  
FOR YOU AT THE TIME OF THE  
HEARING.

**FILING FEES FOR SMALL CLAIMS SUITS:**

UP TO \$1000.00.....\$46.00  
\$1000.01 TO \$2500.00.....\$66.00  
\$2500.01 TO \$5000.00.....\$86.00  
\$5000.01 TO \$7500.00.....\$126.00  
\$7500.01 TO \$10,000.00.....\$176.00

Certified Mailing \$6.74  
Certified copies \$3.00- per page  
Copies .50 a page

**FILING FEES FOR CIVIL SUITS:**

UP TO \$2500.00.....\$51.00  
\$2500.01 TO \$5000.00.....\$101.00  
\$5000.01 TO \$10,000.01....\$176.00

**FILING AN ANSWER.....\$51.00**

UNLAWFUL DETAINER (AFTER FORECLOSURE).....\$226.00

JUDGMENT OF CONFESSION.....\$51.00

ADDITIONAL DEFENDANT ANSWERS FILING.....\$25.00

**FILING OF EVICTIONS:**

ALL EVICTIONS.....\$51.00

**TENANT'S ANSWER FOR EVICTION....\$26.00**

FILING OF ANY PAPER IN INTERVENTION.....\$25.00

**GARNISHMENT FILINGS:**

WRIT OF GARNISHMENT.....\$25.00

WRIT OF EXECUTION.....\$25.00

WRIT OF ATTACHMENT.....\$25.00

WRIT OF RESTITUTION.....\$75.00

ANY OTHER TO ENFORCE JUDGMENT OF COURT....\$25.00

**NOTICE OF APPEAL AND APPEAL BONDS:**

PLAINTIFF.....\$250.00 APPEAL BOND

DEFENDANT.....\$AMOUNT OF THE JUDGMENT

JUSTICE COURT FEE.....\$50.00

TRANSCRIPT DEPOSIT....\$100.00

DISTRICT COURT FEE.....\$134.00

JUSTICE & DISTRICT COURT NEEDS TO BE SEPARATE CHECKS (money order, cashier checks)

JUSTICE / MUNICIPAL CIVIL COURT COVER SHEET

Court

Case No. \_\_\_\_\_  
*(Assigned by Clerk's Office)*

Interpreter Needed:  No  Yes Language: \_\_\_\_\_

**I. Party Information** *(provide both home and mailing addresses if different)*

Plaintiff(s) (name/address/phone):   	Defendant(s) (name/address/phone):   
E-mail Address:	E-mail Address:
Attorney (name/address/phone):	Attorney (name/address/phone):
Law Firm/Bar#	Law Firm/Bar#
E-mail Address:	E-mail Address:

**II. Nature of Controversy** *(please select the one most applicable filing type below)*

**Civil Case Filing Types**

Real Property	Torts	Protection Orders
<b>Real Property</b> <input type="checkbox"/> Landlord/Tenant (Summary Eviction) <input type="checkbox"/> Unlawful Detainer Complaint (Writs of Restitution) <input type="checkbox"/> Other Real Property	<b>Negligence</b> <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence <b>Other Torts</b> <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Other Torts	<b>Protection Order</b> <input type="checkbox"/> Request for Dom. Viol. Protective Order <input type="checkbox"/> Request for Protection Order (Non-DV) <input type="checkbox"/> Sexual Assault Related <input type="checkbox"/> Request for High Risk Protective Order  <b>Protection Order- Extension Request</b> <input type="checkbox"/> Request for Extended Dom. Viol. Protective Order <input type="checkbox"/> Request for Extended Protective Order (Non-DV) <input type="checkbox"/> Request for Extended High Risk Protective Order
<b>Contract Case</b> <b>Seller Plaintiff (Debt Collection)</b> <input type="checkbox"/> Credit Card Collection <input type="checkbox"/> Payday Loan Collection <input type="checkbox"/> Debt Collection Agency <input type="checkbox"/> Other Debt Collection <b>Other Contract Case</b> <input type="checkbox"/> Contract Buyer Plaintiff <input type="checkbox"/> Other Contract Case	<b>Other Civil Filings</b> <b>Other Civil Filing</b> <input type="checkbox"/> Contested Liens Case <input type="checkbox"/> District Court Order to Seal Records <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Other Civil Matters	

Date

Signature of initiating party or representative

1 **IN THE JUSTICE'S COURT, NEW RIVER TOWNSHIP**  
2 **COUNTY OF CHURCHILL, STATE OF NEVADA**

(775) 423-2845

3 CASE NO. \_\_\_\_\_  
This form must be filled out neatly

4 \_\_\_\_\_  
5 Name

6 Address **PLAINTIFF**

7 **AFFIDAVIT OF COMPLAINT**  
8 **AND ORDER SETTING TRIAL**

9 vs.

10 \_\_\_\_\_  
11 Name

12 Address **DEFENDANT**

13 \_\_\_\_\_, being first duly sworn, deposes and says: That the  
14 defendant is indebted to the plaintiff in the sum of \$ \_\_\_\_\_;  
15 plus costs; that the reason for this indebtedness is \_\_\_\_\_;

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

19 \_\_\_\_\_  
20 Plaintiff - Affiant

21 Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

22 \_\_\_\_\_  
23 Justice of the Peace, Clerk or Notary

24 **ORDER**

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

26 You are hereby ordered to appear for trial and to be prepared to answer the within and  
foregoing claim at New River Justice Court, 71 N Maine, Fallon, Nevada, on the \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_\_, at the hour of \_\_\_\_\_ AM 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

**SMALL CLAIMS APPLICATION FORM  
NEW RIVER TOWNSHIP JUSTICE COURT  
COUNTY OF CHURCHILL, 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:** \_\_\_\_\_ **LOCATION TO BE SERVED**  
(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  is employed in New River Township.

**III. AMOUNT OF SUIT:** \$ \_\_\_\_\_ (Do not include costs to file & serve this suit.)

**IV. STATE BRIEFLY THE REASON FOR THE SUIT:** \_\_\_\_\_

**DATE OF LAST DEMAND FOR PAYMENT:** \_\_\_\_\_

**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:

\_\_\_\_\_  
\_\_\_\_\_