

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: \_\_\_\_\_

**TENANT'S AFFIDAVIT/DECLARATION  
(Non-Payment Eviction - Private Housing)**

The undersigned tenant states that:

1. I am a tenant of a certain rental unit within \_\_\_\_\_ Township,  
\_\_\_\_\_ County, Nevada.
2. I rented the above unit from the above named landlord on or about  
\_\_\_\_\_, 20\_\_\_\_, with rent due monthly or for a shorter period

Apartment  
Tenant  
Affidavit/Declaration (Non-payment Eviction  
Private Housing)  
Form #13

1 of 5

of time.

3. I have a legal defense in that I am not in default in the payment of rent because of the below checked items.

\_\_\_\_\_ 4. I did not get the required 5-day notice period and/or the Notice does not advise me to pay or move. Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_ 5. I paid rent in the amount of \$\_\_\_\_\_ to the landlord on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by:  
\_\_\_\_\_ A. Check  
\_\_\_\_\_ B. Money Order  
\_\_\_\_\_ C. Cash  
\_\_\_\_\_ D. Other (explain) \_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_ 6. I attempted to pay the rent, but the landlord refused to accept it. Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_ 7. I attempted to pay the rent, but the landlord refused to accept it because I did not agree to pay unauthorized charges in addition to rent.<sup>1</sup>

<sup>1</sup> A landlord shall not refuse to accept rent offered after a notice simply because the tenant has not paid collection fees, attorney fees or other costs other than rent, a reasonable charge for late payments of rent or dishonored checks, or a security. See NRS 40.253(9). There is a presumption that the tenant does not owe late charges or charges for dishonored checks unless these terms are in a written rental agreement. See NRS 118A.200(3)(c).

\_\_\_\_\_ 8. I have made other arrangements with the landlord for the payment of rent.  
These arrangements are (explain in detail): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ 9. I do not owe the amount which the landlord says I owe because:

\_\_\_\_\_

\_\_\_\_\_ 10. I am withholding the payment of rent due to the landlord's failure to restore essential services (water, hot water, heat, electricity, etc) or make a good faith effort to do so within 48 hours following a written notice which I delivered to the landlord on \_\_\_\_\_, 20\_\_\_\_ under authority of NRS 118A.380(1) (c). Explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ 11. I am claiming a set-off against any rent owed because the landlord owes me damages for an intentional failure to supply essential services (water, hot water, heat, electricity, etc) under NRS 118A.380 and/or 118A.390. Explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ 12. I am claiming a set-off against any rent owed because the landlord owes me damages as the landlord has failed to maintain the rental unit in a habitable condition (NRS 118A.350 and/or 118A.360). Explain: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_ 13. Other defense or set-off. Explain:\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

WHEREFORE, the Tenant/Defendant prays for a hearing in this court pursuant to NRS Chapter 40, and that this matter be dismissed at the hearing because I have raised a legal defense to the alleged unlawful detainer.

\_\_\_\_\_ **Request for a Stay.** In the alternative, if the court concludes that I have not raised a legal defense, I request a stay of execution under the authority of NRS 70.010(2) of \_\_\_\_\_ days (up to 10) in order to move. I need the additional time because \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

I swear the above is true. Signature: \_\_\_\_\_

SUBSCRIBED AND SWORN to before me this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

NOTARY PUBLIC  
OR  
DEPUTY CLERK \_\_\_\_\_

**OR**  
**THE FOLLOWING:**

Pursuant to NRS 53.045:

"I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct."

Executed on \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name