

Must the Motion to Contest Personal Property Lien and for Return of Personal Property be served to the landlord?

After tenant files the Motion to Contest Personal Property Lien and for Return of Personal Property, the court is required to state the date of the hearing on the motion and order a copy served on the landlord by the sheriff, constable, or other process server. (NRS 40.253(8).)

Because the hearing on tenant's motion is set on an expedited basis (within ten judicial days of filing), tenant should arrange for service on the landlord immediately after tenant files the motion and receives the hearing date. The constable or sheriff may be unable to serve the landlord on such short notice, in which case the tenant may need to hire a private process server. If the tenant cannot provide the court with proof that the landlord was served (typically, in the form of an affidavit of service), the court may refuse to take any action on tenant's motion.

A form Affidavit of Service is available, free of charge, at the Self-Help Center, or you can download the form to your computer by clicking one of the formats listed under the form's title below:

1 JUSTICE COURT, TOWNSHIP OF _____
2 CLARK COUNTY, NEVADA

3 Tenant's
Name: _____
4 Address: _____
City, State, Zip: _____
5 Phone: _____
E-Mail: _____

Case No.: _____

Dept No.: _____

6 vs. Tenant,

7 Landlord's
Name: _____
8 Address: _____
City, State, Zip: _____
9 Phone: _____

Landlord.

MOTION TO CONTEST PERSONAL
PROPERTY LIEN AND FOR RETURN OF
PERSONAL PROPERTY

10 **NOTE:** A motion contesting the costs claimed by Landlord for inventory, moving, and storage of personal
11 property must be filed within 20 days after the date of (i) the eviction order, (ii) Tenant's abandonment, or
12 (iii) Tenant vacating or being removed and a copy of the charges being requested or provided, whichever
is later. NRS 40.253(7).

13 Tenant, appearing in proper person, files this Motion to Contest Personal Property Lien and for Return of
14 Personal Property, pursuant to NRS 40.253(7), based upon the following:

15 1. I rented (check one) the residential dwelling unit/ or the commercial premises located at (insert street
16 address) _____,

17 in the township of (insert name of township where rental unit is located) _____, Nevada.

18 2. I occupied the dwelling unit or commercial premises until (insert date of abandonment, eviction, or other)
19 _____, at which time I (check one):

20 Abandoned the residential dwelling unit or commercial premises; or

21 Was evicted from the residential dwelling unit or commercial premises; or

22 Was locked out of the residential dwelling unit or commercial premises by Landlord; or

23 Other (explain): _____

24 3. I attempted to remove my personal property as follows (describe all attempts you made to collect your
25 property, along with dates of your attempts, and what happened with respect to each attempt):

26 _____

27 _____

28 _____

Check if attaching continuation

1 4. Landlord refused to allow me to remove my property because *(check applicable boxes and explain)*:

2 Landlord is demanding that I pay money *(explain the reason Landlord is requesting money and the*
3 *amount requested, and attach a copy of any written charges that Landlord has given to you)*:

4 _____
5 _____
6 _____ *Check if attaching continuation*

7 Other *(explain)*:

8 _____
9 _____
10 _____ *Check if attaching continuation*

11 5. I understand that Landlord may charge and collect the reasonable and actual costs of inventory, moving,
12 and storage of my personal property before releasing it to me pursuant to NRS 118A.460 or 118C.230. I
13 disagree with Landlord's refusal to release my property because *(explain)*:

14 _____
15 _____
16 _____
17 _____ *Check if attaching continuation*

18 6. Landlord still has the following items of my personal property *(list all items)*:

19 _____
20 _____
21 _____
22 _____ *Check if attaching continuation*

23 I request that the Court enter an order directing Landlord to release my personal property upon the payment of
24 the charges, if any, that the Court determines are due.

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

26 _____
27 *(Date)* *(Type or print name)* *(Signature)*

1 JUSTICE COURT, TOWNSHIP OF _____
2 CLARK COUNTY, NEVADA

3 Tenant: _____
4 vs. Tenant,
5 Landlord: _____
6 Landlord.

Case No.: _____
Dept No.: _____

**ORDER REGARDING HEARING ON
TENANT'S MOTION TO CONTEST
PERSONAL PROPERTY LIEN AND FOR
RETURN OF PERSONAL PROPERTY**

7 TO: _____ (Landlord)

8 PLEASE TAKE NOTICE THAT the Motion to Contest Personal Property Lien and for Return of
9 Personal Property filed in this case shall be, and hereby is:

10 Set to be heard on the _____ day of _____, 20____, at the hour of
11 _____M., in Department No. _____, at the Justice Court located at:

12 This hearing date is within 10 judicial days after the filing of the Motion in accordance with NRS
13 40.253(8).

14 Other: _____

15 You are ordered to appear at the hearing and bring with you all books, papers, and witnesses needed to
16 establish your defense. If you do not appear, the Court will enter judgment against you and order the return of the
17 property described in Tenant's motion without you receiving any funds from Tenant. You do not need to appear if
you do not wish to contest the motion. You can also return Tenant's personal property, in which case Tenant should
notify the Court to cancel the hearing.

18 Pursuant to NRS 40.253(8), Tenant shall cause a copy of this Order and the related Motion to Contest
19 Personal Property Lien and for Return of Personal Property to be served upon the Landlord by the Sheriff,
Constable, or other process server.

20 DATED: _____
21 JUSTICE OF THE PEACE/CLERK OF THE COURT

22 **AFFIDAVIT OF SERVICE**

23 I, (insert name of person making service) _____, declare under penalty of perjury
24 that on (insert date service was made) _____, 20____, at (insert address where service was made)

25 Clark County, Nevada, I served (insert name of person served) _____
26 the Motion to Contest Personal Property Lien and for Return of Personal Property and this Order Regarding
Hearing.

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

28 _____ (Date) _____ (Print name of Sheriff/Constable/other process server) _____ (Signature of Sheriff/Constable/other process server)