

1 IN THE JUSTICE COURT OF SPARKS TOWNSHIP
2 COUNTY OF WASHOE, STATE OF NEVADA

3 _____,
4 Landlord(s),
5 v.
6 _____,
7 Tenant(s).
8

Case No.: _____

Dept. No.: _____

**MOTION TO STAY EVICTION
PENDING APPEAL UPON
POSTING OF COST BOND**

9 Comes now, _____ (name) (“Appellant”),
10 and respectfully requests that upon my posting of the Appeal Cost Bond outlined in Nevada Revised
11 Statute (“NRS”) §40.385(2), the Court stay execution of the eviction order entered on
12 _____ (date) pending the appeal of this matter.

13 **POINTS AND AUTHORITIES**

14 NRS §40.385 provides:

- 15 1. Either party may appeal an order entered pursuant to [NRS 40.253](#),
16 [40.254](#) or [40.2542](#) by filing a notice of appeal within 10 judicial days
17 after the date of entry of the order.
18 2. Except as otherwise provided in this section, a stay of execution may
19 be obtained by filing with the trial court a bond in the amount of \$250
20 to cover the expected costs on appeal. A surety upon the bond submits
21 to the jurisdiction of the appellate court and irrevocably appoints the
22 clerk of that court as the surety’s agent upon whom papers affecting the
23 surety’s liability upon the bond may be served. Liability of a surety may
24 be enforced, or the bond may be released, on motion in the appellate
25 court without independent action. A tenant of commercial property may
26 obtain a stay of execution only upon
27 the issuance of a stay pursuant to [Rule 8](#) of the Nevada Rules of
28 Appellate Procedure and the posting of a supersedeas bond in the
amount of 100 percent of any unpaid rent claim of the landlord.
3. A tenant who retains possession of the premises that are the subject
of the appeal during the pendency of the appeal **shall pay to the
landlord rent in the amount provided in the underlying contract
between the tenant and the landlord as it becomes due. If the tenant
fails to pay such rent, the landlord may initiate new proceedings for
a summary eviction by serving the tenant with a new notice
pursuant to [NRS 40.253](#), [40.254](#) or [40.2542](#).**

(Emphasis added).

Sparks Justice Court

1 **FACTS AND ARGUMENT**

2 An eviction order was entered on _____ (date) against the Tenant
3 which evicts Tenant from the residence/unit/mobile home. Tenant continues to occupy the property
4 located at _____. Appellant filed
5 their Notice of Appeal of said order on _____ (date).

6 Tenant agrees to pay Landlord contract rent as it becomes due as provided in the underlying
7 lease (express or implied). Tenant acknowledges if they fail to pay such rent, Landlord may initiate
8 new Summary Eviction proceedings and serve the Tenant with a new notice during the pendency of
9 the underlying appeal pursuant to NRS §40.385(3).

10 Pursuant to NRS §40.385 and Justice Court Rule of Civil Procedure 73(b), Appellant requests
11 that upon the posting of their Appeal Cost Bond in the sum of \$250, the Court stay execution of the
12 eviction order entered in the above-entitled Court.

13 Pursuant to NRS §53.045, I declare under penalty of perjury, under the laws of the State of
14 Nevada that the foregoing is true and correct.

15 Dated: _____

16 Signature: _____

17 Print name: _____

18 Address: _____

19 City, State, Zip: _____

20 Telephone: _____

21 Email: _____

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CERTIFICATE OF SERVICE

Pursuant to JCRCP 5(b), I hereby certify that on _____, I served a true and correct copy of the foregoing Motion upon the following person:

Name: _____
Address: _____

Via: Service by Odyssey File and Serve
 Personal Service
 U.S. Mail, postage prepaid
 Certified mail, return receipt attached
 Other _____

Name: _____
Address: _____

Via: Service by Odyssey File and Serve
 Personal Service
 U.S. Mail, postage prepaid
 Certified mail, return receipt attached
 Other _____

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

Dated: _____ Signature: _____

Print name: _____