

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

4 _____
5 Plaintiff(s),
6 v.
7 _____
8 Defendant(s).

Case No.: _____
Dept. No.: _____

**MOTION TO SET
SUPERSEDEAS BOND TO STAY
EXECUTION OF JUDGMENT**

9
10 Comes now, _____ (name) (“Appellant”), and
11 respectfully requests that the Court set an amount for the Supersedeas Bond to stay execution of the
12 judgment entered on _____ (date) pending the appeal of this matter.

13 **POINTS AND AUTHORITIES**

14 Justice Court Rule of Civil Procedure 100 provides that:

15 (a) **Bond on Appeal - General.** The notice of appeal required in
16 Rule 99 must be accompanied by an appeal bond. The appeal bond
17 may be in the form of a cash bond, a formal surety bond, or an informal
18 surety bond. After an appeal bond is filed, the other party may raise,
for determination by the judge, objections to the form of the bond or
to sufficiency of the surety.

19 (b) **Bond on Appeal - Judgment Debtor.** Where a judgment debtor
20 appeals a small claims judgment the bond posted must undertake and
promise to pay to the judgment creditor should the judgment be
affirmed or the appeal dismissed:

- 21 (1) an amount equal to the judgment, plus interest; plus
- 22 (2) \$100 to cover the costs of the filing fees and any other costs of
defending the appeal awarded by the district court; plus
- 23 (3) \$15 to cover the respondent's attorney fees should such
attorney fees be awarded by the district court.

24 (c) **Bond on Appeal - Plaintiff.** Where a plaintiff appeals a small
25 claims judgment in favor of the defendant or in an amount less than
26 claimed, the bond posted must undertake and promise to pay to the
defendant should the judgment be affirmed or the appeal dismissed:

- 27 (1) \$100 to cover the costs of the filing fees and any other costs of
defending the appeal awarded by the district court; plus
- 28 (2) \$15 to cover the respondent's attorney fees should such
attorney fees be awarded by the district court.

Sparks Justice Court

1 **STATEMENT OF FACTS**

2 The above-entitled Court issued a judgment on _____ (*date*) in the
3 amount of \$ _____ which was entered in favor of Plaintiff **or** Defendant and against
4 Plaintiff **or** Defendant. On _____ (*date*), Appellant filed their Notice
5 of Appeal with the appropriate appeal cost bond and fees or fee waiver.

6 Pursuant to JCRCP 100, Appellant respectfully requests that the above-entitled Court set an
7 amount for the Supersedeas Bond to stay execution of said judgment pending appeal in Second Judicial
8 District Court.

9 Pursuant to NRS §53.045, I declare under penalty of perjury, under the laws of the that the
10 foregoing is true and correct.

11 Dated: _____

12 Signature: _____

13 Print name: _____

14 Address: _____

15 City, State, Zip: _____

16 Telephone: _____

17 Email: _____

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CERTIFICATE OF SERVICE

Pursuant to JCRC P 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: _____