

EVICTION INFORMER

MESSAGE FROM THE PRESIDENT:

2011: THE YEAR IN REVIEW

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The Eviction Informer is a regular newsletter produced by Southern Nevada Eviction Services. Please feel free to distribute it to industry professionals who may be interested in learning more about the eviction process.

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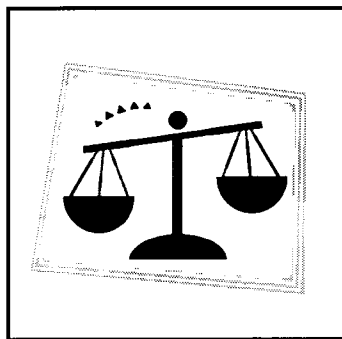
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As 2011 comes to a close, we wanted to summarize some of the major changes which have occurred over the past year and bring you developing trends. As detailed below, recent changes in the operations of the Las Vegas Justice Court may lessen the court's workload but are not necessarily consumer friendly. In addition, tenants are utilizing new methods to thwart the eviction process, resulting in higher costs to landlords and delayed removal of tenants.

E-FILING

During the summer, the Las Vegas Justice Court instituted electronic filing for all summary and civil evictions. Landlords can no longer file paper copies of their evictions; the paperwork must be electronically scanned and filed via the Wiznet system. The court also imposed a \$3.50 fee for the "privilege" of having to electronically file the paperwork. While the



implementation of the system did go better than expected, problems still remain. The filing process is much more complicated (especially if the tenant requests a hearing), more costly and it is much harder to reach customer service at the court with questions.

SMALL CLAIMS PROCESS

The Las Vegas Justice Court has also modified the small claims process. Under the new system, the defendant in the small claims matter is obligated

to file a written answer to the complaint (or risk automatically losing the case) and the court has imposed mandatory mediation which requires both parties to meet with a mediator several weeks prior to the small claims hearing. This makes the process much more time-consuming for landlords suing to recover damages or for those landlords sued by their tenants.

BANKRUPTCY/APPEALS

We have seen an increase in the number of tenants either filing for bankruptcy protection once an eviction has been commenced or appealing their eviction to the District Court. Both of these processes are relatively easy and cheap for the tenant but can add months to the overall eviction process. Especially in regard to bankruptcy, landlords are now being forced to hire legal

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NEW LAS VEGAS JUSTICES IN 2012

BY: DONNA YOUNG, DIRECTOR OF OPERATIONS

It appears that starting January 2012, two new Las Vegas Justices will be hearing all eviction matters. Currently, the evictions are being heard by Judge Suzan Baucum in Dept 13 and Judge Conrad Hafen in Dept 14. However, our sources

have told us that these matters will now be shifted to Departments 3 and 6. Therefore, we suggest that all landlords attending eviction hearings after January 1 make sure that they check the video monitors in the lobby of the courthouse to

determine in which courtrooms their matters will be heard. We will keep you updated on any other changes which may occur.

2011 YEAR IN REVIEW (CONT.)

counsel to represent them in bankruptcy court to try to lift the automatic stay and to allow the eviction to move forward.

DIFFICULTIES IN EVICTING POST-FORECLOSURE

2011 saw a significant rise in the number of evictions done by Southern Nevada Eviction Services on post-foreclosure properties. However, the faulty state and federal laws governing such evictions have made the process extremely difficult and painful. Occupants of foreclosed property have no legal

obligation to inform the new owners as to their status (former owner, tenant) or to provide any information as to how much rent they previously paid to the former owner. The Courts have been unwilling to require such information resulting in drawn out legal procedures to remove such individuals. By the time these occupants are removed, numerous months have passed without any rent payments and the real property is usually destroyed or stripped.

2012 does not look to be much brighter for the efforts of landlords to remove problem

tenants. Until such time as the legislature and the courts realize that landlords should have a right to quickly remove problem tenants via the eviction process,

we will probably be in the same place this time next year.



ASK THE LAWYER

BY EDWARD KANIA

During the course of the day, I get many calls from clients with “just a quick legal question”. I wanted to share some of the most common with you:

Can I Deduct Unpaid Late Fees from Security Deposit?

Absolutely. Nevada law allows you to deduct late fees from the security deposit. However, in your security deposit transmittal letter, make sure you explain how you calculated the total fees.

My Tenant Constantly Calls My Office and Is a Complete Bother. Can I Evict Her for That?

A Three Day Nuisance Notice can be used when the tenant is committing a “nuisance” as defined by the Nevada Revised Statute. However, just because

your tenant annoys you is not sufficient grounds to initiate an eviction action. If the tenant threatens you or engages in offensive conduct, that may be sufficient grounds to start the eviction process.

I Evicted My Tenant For Failure to Pay Rent. After the Lock-out Occurred, I Received the Rent Payment. Can I Keep It?

You cannot keep the payment unless you are willing to allow the tenant back into the property. In the court’s eyes, taking rent after the eviction has occurred is tacitly agreeing to revoking the eviction. Therefore, if you do not want the tenant to re-enter the premises, immediately return the funds.

My Rental Property is Currently in Default. The Tenants Found Out and Are Now Refusing to Pay Rent. Can They Do That?

Absolutely not! The tenants, as long as they remain in the property must continue to pay rent. It is immaterial whether the property has gone into default. As long as your owner still owns the property, he is entitled to the rental payment and the tenant is required to pay the rent. If the tenant still refuses to pay, you may begin the eviction process.

I Have Been Having A Pain in My Left Side Since Thanksgiving? What Could Be Causing It?

This is Ask a Lawyer. You may want to consult WebMd.

VISIT OUR WEBPAGE AT WWW.VEGAS-EVICTIONS.COM TO LEARN MORE ABOUT THE EVICTION PROCESS AND TO READ OUR BLOG

EVICTION FACT:

The Court will reject any eviction notice or eviction filing which does not include the first and last name of the tenant/occupant. Therefore, “Smith Family”, “Bob J.” or “Ralph” are not acceptable to the Court. If you do not know the correct first and last name, insert “Jones” or some other filler name.