SEPARATE MAINTENANCE

DEFAULT

(WITHOUT CHILDREN)

IMPORTANT

THIS PACKET IS IN NO WAY INTENDED TO SUBSTITUTE FOR THE ADVICE OF A PRIVATE ATTORNEY

Private Counsel Is Always Recommended For Legal Matters

The law allows any person to represent themselves in a legal action. However, filing an action with the court and representing yourself in the courtroom can be a complicated legal procedure and this packet does not attempt to address all the legal issues involved in bringing your matter before the court. This packet is created to help you access the legal system without the assistance of an attorney.

When representing yourself, you are responsible for understanding the law that governs your case and for filing the proper legal documents. The laws and rules are set out in the Nevada Revised Statutes, The Rules of Civil Procedure, and the local rules governing the jurisdiction in which you are filing your documents.

When you sign these documents and present them for filing with the court, it is assumed by the court that you have carefully read the documents, that you understand all the terms in the documents, that you agree with all the provisions in the documents, and that you are aware of all the consequences those provisions may produce.

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DIRECT, INDIRECT, SPECIAL OR CONSEQUENTIAL DAMAGES IN CONNECTION WITH THE FURNISHINGS OF THIS MATERIAL.

GENERAL INFORMATION ABOUT FILING A DEFAULT

The forms must be typewritten or legibly handwritten in black ink.

There is no fee to file this document, so long as you have paid your fee with the initial filing of your documents.

There are facilities for copying your documents at the Court Clerk's office at the charge of **$0.25 per page**. Therefore, it is recommended that you make any copies of the documents you may want, or need, prior to going to the Court Clerk's office. You will need **two** copies of each document to be filed unless told otherwise. If exhibits are attached to the original document, a copy of the exhibits must be attached to each copy.

Location of the Court Clerk's Office

The Court Clerk's Office for **Churchill County** is located at 73 N. Maine St., Ste. B, Fallon, NV 89406, on the second floor. The phone number is (775) 423-6080.

If you are mailing the documents to the Court Clerk's office for filing, OR if you have submitted an Order or Decree for the Judge to sign, **it is strongly suggested that you provide a self-addressed, stamped envelope when you file your documents. A copy of the file-stamped documents will then be mailed to you.**

FILLING OUT THE DOCUMENTS

1. **For All Documents:** Fill in the spaces on lines 9 through 13 **exactly** as they appear in your other documents. This is the "heading" of your document and it is always the same. If you are the Plaintiff in the original document, you will remain the Plaintiff; if you are listed as the Defendant in the original document, you will remain the Defendant. The Case No. and Dept No. are always the same.\

2. The Default Form: **Once the other party is served with a copy of the Complaint or Petition, they have twenty (20) days after the date of service to respond. If they do not file within that time period, you may file this form and may be awarded all you asked for in your pleading. It is your responsibility to contact the Court Clerk to ensure a responsive pleading has not been filed.**

3. Complete the heading and Defendant's name. The Court Clerk will fill in the remaining information and sign the form.

4. The Affidavit: All of the information that appears in the Affidavit must be the same information as it appears in your original Complaint. If the information is not the same as in the original Complaint, the Court will not issue the Decree.

5. **This document must be signed in the presence of a Notary Public.**
6. The Certificate of Service: The opposing party must be personally served with a copy of the documents. Service may be made by mail or by personal service. After the documents have been completed, place an "X" on the appropriate line indicating the method of service. The Certificate is to be filled out and signed by the person who actually mails or personally serves a copy of the documents on the other party or their attorney.

7. Once the documents are completed, make two copies of each. Serve **one copy** as noted in the Certificate of Service. If there are multiple parties, make enough copies for yourself and each party. Take the original **and one copy** to the Court Clerk to be filed. The copy will be returned to you for your file.

8. The Request for Submission: In order to submit a Motion, Request, Objection, Petition, or other original document to the court for consideration, a Request for Submission must be filed. The Court may not review the file unless this document is filed.

9. The Decree or Order: The information you fill in must be the same as the information that appears in your original Complaint or Petition. If the information is not the same, the Court will not grant the Decree or Order.

10. Complete all information, **but do not sign or date the document.**

11. Submit the original Decree or Order and two copies to the Court Clerk, who will give them to the Judge. IF the Order or Decree is signed, a file-stamped copy will be mailed to you if you have provided a self-addressed, stamped envelope.

If you need guidance in filling out the forms or in the procedure of the case, seek the advice of a private attorney.

NOTE: YOU MAY NOT USE THESE FORMS IF YOU ARE PRESENTLY REPRESENTED BY AN ATTORNEY IN THIS MATTER.