

SMALL CLAIMS COURT

APPEALS PROCEDURES

Small claims court procedures are governed by the Justice Court Rules of Civil Procedure, contained in the Nevada Revised Statutes. The following procedures are mandatory when filing an appeal.

A plaintiff or defendant may appeal from the judgment against him to the District Court. Filing of a Notice of Appeal must be done within five (5) days from the entry of the Judgment (Rule 98).

The appeal may be taken by filing in the Justice Court a notice, which will be provided to you by the court. (Form of Notice Pursuant to Rule 99)

The Notice of Appeal **SHALL** be accompanied by an Appeal Bond. The Appeal Bond may be in the form of a cash bond, a formal surety bond or an informal surety bond. (An informal surety bond must be accompanied by a personal financial statement and its acceptance must be approved by the court.) The amount of the bond for the **Defendant** shall be equal to the amount of the judgment. The amount of the bond for **Plaintiff** shall be \$250.00. (Rule 100.)

The filing fees and transcript deposit must be paid when filing the Appeal. Filing fees are \$156.00. (\$102.00 payable to the Nye County Clerk, for the District Court; \$54.00 payable to Pahrump Justice Court.) The transcript deposit is \$200.00. You will be refunded the unused portion of the transcript deposit; if the amount is more than \$200.00, the Appellant will be billed the overage, and the fee must be paid in full before the transcript will be transmitted to the District Court.

There is no new trial in District Court on Appeal. The original proceedings were electronically recorded and will be transcribed into written form. The transcript of the proceedings along with the entire case file is transferred to the District Court and a determination of the Appeal is made from that record. The District Court may request additional information in the form of Points and Authorities; however, no new evidence is introduced on appeal.

If you have any questions regarding the Appeal procedures, you are encouraged to read the applicable Rules in the Nevada Revised Statutes.

1 Case No: _____

2 **IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP**
3 **COUNTY OF NYE, STATE OF NEVADA**

4 * * * * *

5 _____
6 Plaintiff/Appellant,

7 vs.

8 **NOTICE OF APPEAL TO**
9 **DISTRICT COURT**

10 _____
11 Defendant/Respondent.

12 To _____ [party], and _____ his attorney:

13 Comes now the _____ and does hereby appeal from the judgment entered in
14 the Justice Court on the _____ day of _____, 20____, to the 5th Judicial District
15 Court in and for the above-named County and State.

16 The basis for the appeal is: _____
17 _____

18 I acknowledge that I am required to post an appeal bond and to pay all filing fees and costs of
19 appeal, including the expense of a transcript of the trial before this appeal will be filed with and
20 considered by the District Court. I further acknowledge that if the appeal is dismissed or the judgment
21 is affirmed, I will be subject to reimbursing the other party for court costs, and attorney's fees, not to
22 exceed \$15.00, together with any reasonable expenses as determined by the District Court.

23 Dated: _____, 20____.

24 _____
25 Appellant Signature

CERTIFICATE OF MAILING

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I, _____ hereby certify that on the _____ day of _____, 20____, I placed a true and correct copy of the NOTICE OF APPEAL in the United States Mail at _____, Nevada, with first-class postage prepaid, addressed as follows:

Dated: _____

Appellant Signature