

APN# _____



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Summary Judgment

Title of Document (required)

----- (Only use if applicable) -----

The undersigned hereby affirms that the document submitted for recording DOES contain personal information as required by law: (check applicable)

Affidavit of Death – NRS 440.380(1)(A) & NRS 40.525(5)

Judgment – NRS 17.150(4)

Military Discharge – NRS 419.020(2)

Signature

Printed Name

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1 Case No.: 17 CV 029

NO. _____

2 APR -2 PM 2:00

3 EAST FORK JUSTICE COURT

4 IN THE JUSTICE COURT OF EAST FORK TOWNSHIP

5 DOUGLAS COUNTY, NEVADA

6 KAREN WEISS,)

7 Plaintiff,)

8 vs.)

9 JOHN MOODY,)

10 Defendant.)

11 SUMMARY JUDGMENT

12
13
14 THIS MATTER is before the Court on the Plaintiff's Motion for Summary Judgment. The
15 motion was served on the Defendant and no response was filed. The Court, having considered the
16 pleadings, papers and exhibits, and the governing law, and being otherwise fully advised, finds and
17 concludes as follows:
18

19 This is a claim by a tenant against a property owner for damages related to disposition of a
20 security deposit. The tenancy was terminated in October of 2014, and no accounting was rendered for a
21 period of 8 months thereafter. The accounting rendered included charges against the Plaintiff, which are
22 in dispute. The Plaintiff claims damages pursuant to NRS 118A because neither an accounting nor her
23 security deposit were rendered within 30 days of the termination of the tenancy.
24

25 Rural Justice Court Rule 9(3) provides that a response to a motion must be filed within 10 days,
26 and default can be construed as an admission that the motion is meritorious. Moreover, the Court has
27 examined the motion on the merits, and there is no material dispute of law or fact regarding the merits of
28 the claim; the Plaintiff is entitled to judgment as a matter of law.

1 When someone rents a residence and posts a security deposit, the funds remain the property of the
2 tenant, which the landlord holds in trust during the tenancy. Disposition of the funds is strictly governed
3 by law. NRS 118A.242, Section 4, requires the landlord to render an accounting of the funds withheld
4 within 30 days of the termination of the tenancy. Any funds remaining must be returned to the tenant
5 within the same 30 days. On default thereof, the landlord is liable for damages equal to the security
6 deposit, plus damages in an amount equal to the security deposit, subject to exceptions, none of which
7 apply. NRS 118A.242, Section 6.

9 Plaintiff claims costs incurred in the Bankruptcy Court, but the Court does not find a basis for the
10 award thereof in NRS 18.005. However, attorney's fees are awarded in the amount of \$500.00, taking
11 into account the skill and time necessary to perfect the claim in both forums.

13 IT IS THEREFORE ORDERED ADJUDGED AND DECREED that judgment is entered in favor
14 of the Plaintiff and against the Defendant, in the amount of \$1,400, plus attorney's fees in the amount of
15 \$500.00, plus interest at the statutory rate until fully paid.

17 Dated this 3 day of April 2018.

18
19 T. M. M. M.
JUSTICE OF THE PEACE

20
21
22
23
24 **The Document to which this certificate
is attached is a full, true and correct
copy of the original on file and of record
in my office.**

25
26 **Date:** Clerk of the East Fork Justice Court
County of Douglas, State of Nevada

27 (Seal)
28 By: [Signature]
Deputy Clerk