

# **READ THIS BEFORE COMPLETING THE FORMS!!!**

## **INSTRUCTIONS FOR MOTION TO CONTINUE HEARING**

**WARNING!!! YOU SHOULD CONSULT AN ATTORNEY BEFORE USING THESE FORMS. THESE FORMS DO NOT CONTAIN ANY LEGAL ADVICE.**

**ALL DOCUMENTS FILED BY PERSONS WITHOUT AN ATTORNEY MUST BE NOTARIZED. YOUR DOCUMENTS WILL NOT BE ACCEPTED BY THE COURT IF THEY ARE NOT NOTARIZED.**

### **WHAT YOU MUST DO:**

1. You must complete the enclosed form which applies to your situation.
2. You must call the judicial secretary for Department 1 at 753-4601 to set a hearing on this matter before you file and serve the documents.
3. You must sign the documents in all places before a notary public and the notary must complete the notary section in this document.
4. You must make three copies of the document.
5. You must serve a copy of the documents you have completed on the opposing party by mailing a copy of the document to him/her.
6. You must file the documents with the Clerk of the Court located in the Third Floor, Courthouse Annex Building at 571 Idaho, Elko, Nevada 89801.
7. You must appear at the date and time specified in the Notice of Hearing which you obtain from the Judicial Secretary to protect your rights. If you fail to appear, the Judge could rule against you.

**IF YOU DO NOT COMPLETE EACH OF THE ABOVE STEPS, YOUR MOTION OR OPPOSITION CANNOT BE ACCEPTED BY THE COURT FOR CONSIDERATION.**

## HOW TO USE THESE FORMS:

### *Page 1:      “Motion to Continue Hearing”*

- Line 1:            Insert your case number which can be found on your original order.
- Line 9:            Insert the name of the plaintiff as it appears on your original order.
- Line 12:           Insert the name of the defendant as it appears on your original order.
- Line 15:           Insert your name and check the box indicating whether you are the plaintiff or the defendant in the original order.
- Line 17:           Insert the name of the Motion to which you are seeking a continuance.
- Line 21:           Insert the date you sign the Motion before a notary.
- Lines 23 - 26:    DO NOT SIGN UNLESS YOU ARE BEFORE A NOTARY. Sign your name before a notary public. Print your name, address and telephone number where indicated and check the box to indicate whether you are the plaintiff or defendant in the original order.

### *Page 2:      “Affidavit”*

- Line 3:            Insert the name of the county you are signing your documents in.
- Line 4:            Insert your name.
- Line 5:            Check whether you are the plaintiff or defendant.
- Lines 6 - 7:       Insert the name of the Motion which you would like continued and the date it is currently set to be heard.

Line 8: Please specify the reason you would like the matter continued.

Line 13: Insert the date you sign the document before a notary.

Lines 15 - 18: DO NOT SIGN UNLESS YOU ARE BEFORE A NOTARY. Sign your name before a notary public. Print your name, address and telephone number where indicated and check the box to indicate whether you are the plaintiff or defendant in the original order.

*Page 3: “Certificate of Service”*

The Certificate of Service provides proof to the court that you mailed a copy of your motion to the opposing party.

Line 2: Check whether you are the plaintiff or defendant.

Line 7 - 9: Insert the name and address of the opposing party or their attorney if they are represented by counsel.

Line 10: Insert the date you sign the document before a notary.

Line 12: DO NOT SIGN UNLESS YOU ARE BEFORE A NOTARY. Sign your name.

Lines 13 - 20: These lines are to be completed by the notary you sign the motion before. If your signature is not notarized, your documents cannot be accepted by the court for consideration.

1 CASE NO. \_\_\_\_\_

2 DEPT. NO. \_\_\_\_\_

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IN THE FOURTH JUDICIAL DISTRICT COURT

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OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

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9

\_\_\_\_\_ ,

10

PLAINTIFF,

11

V.

**MOTION TO CONTINUE HEARING**

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\_\_\_\_\_ ,

13

DEFENDANT.

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\_\_\_\_\_/

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COMES NOW \_\_\_\_\_,  Plaintiff  Defendant and moves this Court

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for an Order continuing the hearing in this matter on the  Plaintiff's  Defendant's Motion to

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\_\_\_\_\_. This motion is based upon the affidavit and memorandum of points

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and authorities attached hereto. This motion is further based upon the pleadings and papers on file

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with the Court and on such other and further documentary evidence which may be presented at the

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hearing on this matter.

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DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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\_\_\_\_\_  
Name: \_\_\_\_\_

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\_\_\_\_\_  
Address: \_\_\_\_\_

25

\_\_\_\_\_  
Phone No.: \_\_\_\_\_

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Plaintiff  Defendant



**CERTIFICATE OF SERVICE**

I hereby certify that I am the  Plaintiff  Defendant in the above-entitled matter, and that on this date, pursuant to NRCP 5(b), I deposited in the United States mail at Elko, Nevada, a true and correct copy of the MOTION TO CONTINUE HEARING addressed to:

NAME AND ADDRESS OF OPPOSING PARTY OR ATTORNEY:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_.

\_\_\_\_\_  
Signature

STATE OF NEVADA    )  
                                  ) ss.  
COUNTY OF ELKO    )

On this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, personally appeared before me, the undersigned, a Notary Public in and for said County and State, \_\_\_\_\_ known to me to be the person described in and who executed the above and foregoing Motion to Continue Hearing and Notice of Hearing, who acknowledged to me that \_\_\_\_\_ executed the same freely and voluntarily and for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year above-written.

\_\_\_\_\_  
Notary Public