

FIFTH JUDICIAL DISTRICT COURT
SUMMARY DISPOSITION FOR
DECREE OF DIVORCE WITHOUT MINOR CHILDREN
INSTRUCTIONS

Step 1: Can I use this packet to finalize my divorce?

A. Has the other party filed a timely answer or other appropriate document within 20 days of service of the complaint or counterclaim?

- If “YES”, then you cannot use this packet to finalize your divorce.

B. Has the other party made any attempt to respond to the complaint or counterclaim?

- If “YES”, then you should consult an attorney in this situation because the rules and laws for entering a default in this situation are very complicated.

C. Are you planning to have a final “prove up” hearing with the judge before the decree of divorce is signed?

- If “YES”, then you cannot use this packet to finalize your divorce.

Step 2: Do I have all of the forms I need?

Request for Summary Disposition

Affidavit in Support of Request for Summary Disposition

Default

Decree of Divorce

Certificate of Mailing

Affidavit of Resident Witness

Notice of Entry of Order

Affirmation

Step 3: Procedure for Summary Disposition. (Note: These forms must be submitted in the correct order and complying with the correct timelines)

All forms submitted to the court will be mailed or hand-delivered to:

NYE COUNTY

Pahrump Office: Nye County District Court Clerk
1520 E. Basin Ave.
Pahrump, NV 89060

Tonopah Office: Nye County District Court Clerk
101 Radar Rd.
P.O. Box 1031
Tonopah, NV 89049

ESMERALDA COUNTY

Esmeralda County Clerk Office
P.O. Box 547
Goldfield, NV 89013

Note: If you make a mistake on any of the following forms, you will receive instructions from the judge's law clerk on how to fix them (you may have to re-file amended forms).

A. DEFAULT

- i.** If Defendant did not timely file his/her Answer (or other appropriate document), then he/she is in "default." Generally, when the Defendant is in default, you can go ahead with the divorce and the judge will usually give you what you asked for in the Complaint for Divorce. However, the Clerk must "enter" a Default against the Defendant before you can ask the judge to sign your Decree of Divorce. You ask the Clerk to enter a Default by

completing the Default form and returning it to the Clerk's Office so that the Clerk can review it.

- ii. Fill out the Default form and send or hand-deliver the original Default form, two (2) copies, and a self addressed stamped 9 x 12 inch envelope to the Clerk at the address listed above.

B. SERVICE OF DEFAULT

- i. After the Default is entered, you must serve the Default on the other party. This will be done with one of the copies you gave to the court that has been file stamped and mailed back to you.
- ii. Any document outside of the Complaint and Summons that is "served" must be mailed or delivered to the opposing party. A Complaint and Summons has more stringent rules.
- iii. There are several ways of serving the other party. This packet contains a "Certificate of Mailing." If the other party does not have an attorney, the documents should be mailed to the other party's last known address (the address you put in the Certificate of Mailing).
- iv. If the other party has an attorney, you can mail the documents to the attorney at the attorney's business address.
- v. The clerk will return file stamped copies of the Default. Mail one file stamped copy the other party or the other party's attorney.
- vi. Fill out the Certificate of Mailing and send or hand-deliver the Certificate of Mailing to the Clerk to the address listed above for filing.

C. SUMMARY DISPOSITION

- i. After filing the Certificate of Mailing for service of the Default, fill out the following forms:
 - Request for Summary Disposition
 - Affidavit if Support of Request for Summary Disposition
 - Decree of Divorce
- ii. Have another person fill out the Affidavit of Resident Witness. A resident witness is someone other than you or the other party who can testify that he/she has seen the party who is the Nevada resident in Clark County, Nevada, at least 3-4 times per week for at least six weeks before the

Complaint (or Counterclaim if you are the Defendant) was filed. This person must also have lived in Clark County, Nevada, at least six weeks before the Complaint (or Counterclaim) was filed. The Affidavit of Resident Witness must be signed by the resident witness in front of a Notary Public. Do not make any copies until the document is notarized.

- iii. Send or hand-deliver the original and two (2) copies of the Request for Summary Disposition, Affidavit in Support of Request for Summary Disposition, Decree of Divorce, Affidavit of Resident Witness, and a self addressed stamped 9 x 12 inch envelope to the Clerk at the address listed above.
- iv. Also include an original Affirmation with your submission. The Affirmation lets the Clerk's Office and the Court know whether the documents you file contain Social Security Numbers. If certain documents are required to have Social Security Numbers, the Clerk's Office and/or the Court must take steps to ensure that the information is kept in a confidential manner.

D. SERVICE OF SUMMARY DISPOSITION DOCUMENTS

- i. Much like the Default, you must have a third party serve four (4) of the documents you filed with the court: the Request for Summary Disposition, Affidavit in Support of Request for Summary Disposition, Decree of Divorce, and. Affidavit of Resident Witness to the opposing party or his/her attorney. Again, you will serve one of the file stamped copies of each of these documents that have been returned to you by the Clerk.
- ii. Again, you must fill out a Certificate of Mailing and send or hand-deliver the form to the Clerk at the above address for filing.

E. NOTICE OF ENTRY OF DECREE OF DIVORCE

- i. The Notice of Entry of Decree of Divorce is the document that tells the other party that the Decree has been filed. It also effects the timing for rights for both parties (i.e., to appeal the judge's decision, to ask the judge to reconsider his/her decision, etc.).
- ii. Fill out the Notice of Entry of Decree of Divorce and send or hand-deliver the original, two (2) copies, an original Affirmation, and a self addressed stamped 9 x 12 inch envelope to the Clerk at the address listed above.

F. SERVICE OF NOTICE OF ENTRY OF DECREE OF DIVORCE

- i.** Again, you must serve the Notice of Entry of Decree of Divorce to the opposing party or his/her attorney. This will be done with one of the file stamped copies you receive in return from the Clerk.
- ii.** The you must fill out a Certificate of Mailing and send or hand-deliver the form to the Clerk at the above address for filing.