

**EX PARTE MOTION  
FOR PUBLICATION OF  
SUMMONS**

**E-4**

The District Court Filing Office  
is located on the first floor at

801 CLARK STREET, SUITE 4  
ELY, NV 89301  
(775) 293-6509

**ATTENTION**

**THIS PACKET IS NOT A SUBSTITUTE FOR THE  
ADVICE OF AN ATTORNEY**

**IMPORTANT**

If either party is in the military, special rules may apply and it is recommended you seek the advice of an attorney.

***Counsel Is Always Recommended For Legal Matters***

The law allows any person to represent himself or herself in a legal action. However, filing papers with the court and representing yourself in the courtroom can involve complicated legal issues. This packet does not 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.

***Before filling in any portion of the following documents, read all the materials included in this packet including the definitions of terms.***

**THIS INFORMATION IS PROVIDED AS A COURTESY ONLY. THE COURT, SELF-HELP CENTER, NON-PROFIT ORGANIZATION, OR LAW LIBRARY THAT MAY PROVIDE THIS INFORMATION SHALL NOT BE LIABLE FOR ERRORS CONTAINED HEREIN OR FOR DIRECT, INDIRECT, SPECIAL OR CONSEQUENTIAL DAMAGES IN CONNECTION WITH THE FURNISHING OF THIS MATERIAL.**

**EX PARTE MOTION**  
**FOR PUBLICATION OF SUMMONS**

**PACKET E - 4**

This packet is to be used ***ONLY***:

1. When you do not know where the Defendant can be found to serve the Complaint or Petition on him or her.
2. When you have attempted to find the Defendant and have been unsuccessful.

Note: A serious attempt to locate the Defendant ***must*** be made. The Court will not issue an Order allowing service by publication without showing you have made a diligent and serious attempt to find the Defendant. Such attempts may include checking with: (1) the utility companies to see if the Defendant has utilities in Defendant's name, (2) the Department of Motor Vehicles to see if the Defendant has a license or registration address, (3) the telephone company, (2) friends, relatives and past landlords and employers, and (4) a check on the internet locators, etc. All of these attempts and the results must be listed in the Motion.

If you have any questions regarding the documents or procedures, you are advised to seek the advice of a private attorney

## GENERAL INFORMATION

The following forms are included in this packet:

1. Ex Parte Motion for Publication of Summons and Declaration of Due diligence in Support of Publication
2. Request for Submission of Ex Parte Motion
3. Order for Publication
4. Proof of Mailing
5. Proof of Publication

The documents are designed for you to fill in the blanks.

**Use black ink.** Colored ink, including blue ink, may not be accepted by the Filing Clerk or the Court.

Print neatly. If the pleadings cannot be easily read, they may not be accepted by the Filing Clerk and they may not be accepted by the Court.

Be sure to keep the document pages in order.

Read all the instructions carefully *before* you start to fill in the spaces. This cannot be emphasized strongly enough. Not correctly completing just one small step may have a negative impact on your case.

The Court will not accept any documents with Wite-Out or other correction fluid/tape on them. Fill in the spaces carefully. If you make a mistake, draw a line through the wrong information, initial the line and print the correct information.

You will usually need an original and two copies of your documents for filing and service. It is strongly suggested you have your copies already made when you file your documents. The Filing Clerk will charge \$.50 *per page* for any copies the Clerk makes for you.

When filing the documents, the Filing Clerk will keep the original documents and return the file-stamped copies to you.

**The penalty for making a false statement in a declaration that is made under penalty of perjury is a minimum of 1 year and a maximum of 4 years in prison, with the possibility of an additional fine of \$5000 or more if authorized or required by statute. See N.R.S. §199.145**

## STEP 1

### Filling in the Ex Parte Motion for Publication

Starting in the upper left corner, print your name, address and telephone number.

Print the rest of the heading as it appears on the other documents in your case.

In Paragraph 1, state the kind of action you have filed, i.e., Divorce, Legal Separation, Annulment or Custody and Visitation Petition.

Print the information required in each of the spaces. ***Do not leave any spaces blank.*** It is extremely important that you tell the court the last-known address of the Defendant, the last time you actually saw the Defendant and the last time there was any communication, at all, between you and the Defendant.

The most important part of the document is the portion where you ***must state in detail*** your serious efforts to find the Defendant in the State of Nevada. Just stating that you do not know where the Defendant is and haven't seen or heard from the Defendant in a number of years ***is not enough.*** If you made telephone calls to friends and relatives, list their names, when you called and what they told you. If you made telephone calls to the utility companies and Department of Motor Vehicles, state to whom you talked and what they said when you asked them for information on the Defendant. If you went to the internet to a people locator, print out the results of the locator. If you used a private detective or a professional process server to search for the Defendant, have that person provide proof of such search and attach it to your Ex Parte Motion.

The law ***requires you*** to mail a copy of the Summons and Complaint or Petition, by certified mail, return receipt requested, to the Defendant's last-known address. **Do not mail the Original Summons.** You may do the mailing either before or after the Order for Publication is filed. Either way, you must mail it to Defendant's last address even though you know the Defendant is no longer at that address.

### Filling in the Request for Submission

Print your name and address in the upper left corner.

Print the heading as it appears on the rest of your documents.

Follow the directions on the document and print the information required. The name of your motion is **Ex Parte Motion for Publication of Summons.**

### **Filling in the Order for Publication**

Print the heading as it appears on the rest of your documents.

Print Defendant's name where indicated.

Print the name of the newspaper you will use to publish the Summons. The two local newspapers are The Ely Times and The High Desert Advocate. You may want to call them to check the cost for publishing the Summons before you fill in the blanks.

**DO NOT fill in the date. The judge will do that when the order is signed.**

### **STEP 2**

#### **Copying and Filing the Documents**

Make the following copies:

- 1 copy of the Ex Parte Motion.
- 1 copy of the Request for Submission
- 2 copies of the Order for Publication

File the originals and the copies with the Filing Clerk at the Filing Clerk's Office located on the first floor of the Courthouse at 801 Clark St, Ely, NV. The Filing Clerk will keep the originals of the Motion and the Request for Submission and return the file-stamped copies to you for your records. The Filing Clerk will keep the *original and the two copies* of the Order for Publication.

Your file will now be sent to the Judge to determine whether you have given the court enough evidence of your attempts to find the Defendant. If you have, the Judge will sign the Order for publication and the copies will be mailed to you. If the Judge determines that you have not tried hard enough to find the Defendant, the Judge will deny the Motion for Publication and send you an order telling you why it was denied.

### **STEP 3**

#### **When You Receive the Order for Publication**

When you receive the Order for Publication, you are ready to take the *copy of the Summons* that was issued when the Complaint or Petition was filed and a copy of the Order for Publication to the newspaper for publication. The Summons must be published once a week for a period of four weeks.

## **STEP 4**

### **Mailing a Copy of the Summons and Complaint or Petition**

The Order for Publication contains a paragraph ordering you to mail, by certified mail, return receipt requested, a copy of the Summons and Complaint or Petition to the Defendant at the Defendant's last-known address. *This step must be done even if you know the Defendant has not lived at that address for a long time.*

When the return-receipt or the envelope is returned to you, (1) the return-receipt or (2) a copy of the envelope and the original receipt from the post office showing you mailed the envelope **must be attached** to the Proof of Mailing form.

Print the information on the Proof of Mailing form.

Make 1 copy of the Proof of Mailing form and the attached return-receipt or envelope copy. File the original and copy of the Proof of Mailing at the Filing Clerk's Office. The Filing Clerk will keep the original and return the file-stamped copy to you for your records.

## **STEP 5**

### **Filling In the Proof of Publication**

When the publication is completed, the newspaper will mail to you an **Affidavit of Publication** form that will have on it a copy of the Summons as it appeared in the newspaper.

Fill in the Proof of Publication with the requested information, including the heading of the case. Attach the original Affidavit of Publication to the Proof of Publication.

Make 1 copy of the Proof of Publication and the attached Affidavit of Publication and file it at the Filing's Clerk's Office. The Filing Clerk will keep the original and return the file-stamped copy to you for your records.

### **If the Defendant Does Not Respond**

The Defendant has twenty (20) days after the last publication date to file a response. If the Defendant does not file a response before the 20 days has run, you can request that a **Default Decree** be entered. A packet is available at the courthouse at 801 Clark St, Ste. 4, Ely, NV.

If the Defendant *does respond*, the case is put on a "trial track" and you must seek help and guidance from a private attorney

**THE DIVORCE DECREE IS NOT AUTOMATICALLY GRANTED AT THE END OF THE TIME FOR THE ANSWER TO BE FILED.**

**YOU MUST FOLLOW-UP ON YOUR CASE AND FILE THE DEFAULT PACKET IF THE OTHER PARTY DOES NOT FILE AN ANSWER OR YOUR CASE MAY BE DISMISSED.**

**IMPORTANT**  
**BEFORE**  
**YOU START**

READ **ALL** INSTRUCTIONS  
CAREFULLY

DO NOT use Wite-Out®

or other correction fluid/tape on the documents.  
The Filing Office will not accept documents with  
Wite-Out® or other correction fluid/tape on them.

USE Black Ink

**PRINT** all information neatly

1 Code: \_\_\_\_\_  
2 Name: \_\_\_\_\_  
3 Address: \_\_\_\_\_  
4 Telephone Number: \_\_\_\_\_  
5 Appearing in Proper Person

6  
7 IN THE FAMILY DIVISION  
8 OF THE 7TH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
9 IN AND FOR THE COUNTY OF WHITE PINE

10  
11 \_\_\_\_\_ Plaintiff,  
12 vs. Case No. \_\_\_\_\_  
13 \_\_\_\_\_ Defendant. Dept. No. \_\_\_\_\_  
14 \_\_\_\_\_ /

15  
16 **EX PARTE MOTION FOR PUBLICATION OF SUMMONS AND**  
17 **DECLARATION OF DUE DILIGENCE IN SUPPORT OF PUBLICATION**

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19 1. I, \_\_\_\_\_, am the Plaintiff in the above-entitled  
20 (Your Name)  
21 matter and this action has been brought by the filing of a verified Complaint or Petition and is  
22 brought to obtain a \_\_\_\_\_ and that good cause exists for the  
23 (Divorce, Legal Separation, Annulment or  
24 granting of said \_\_\_\_\_  
25 (Divorce, Legal Separation, Annulment or  
26 Petition to Establish Custody and Visitation)

27 2. Defendant, \_\_\_\_\_, is a  
28 (Defendant's Name)  
necessary and proper party in this action and that the last known address for the Defendant is  
\_\_\_\_\_  
(Defendant's last-known address, with city, state and zip code)

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The last time I saw the Defendant was \_\_\_\_\_ . The last time  
(Date you actually last saw the Defendant)

I had any communication at all with the Defendant was \_\_\_\_\_ .  
(Date you last had *any kind* of communication with Defendant)

***Fully explain the kind of communication you and the Defendant last had, such as by telephone, a card, a letter, e-mail, etc., and explain the circumstances surrounding that communication.***

***Print a detailed explanation of how you have tried to locate the Defendant. Include the names and addresses of those you spoke to as well as the dates you spoke to them and how you contacted them, such as: by telephone, in person, etc.***

3. I have tried to locate the Defendant for notification and service of the Summons and Complaint or Petition in this matter, but I have been unsuccessful. I have tried by:

4. To my knowledge, and subject to the penalty for perjury, I do not know the present

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location of the Defendant, have not known where or how to find the Defendant since \_\_\_\_\_  
(Date last knew where Defendant was)

5. I have never been informed, nor have I any reason to believe that Defendant can be noticed in any other way except by means of publication.

6. I request that this Court issue an Order allowing service of the Summons by publication and certified mailing with return receipt requested to Defendant's last known address.

This document does **not** contain the Social Security number of any person.

I declare, under penalty of perjury under the law of the State of Nevada, that the foregoing is true.

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

\_\_\_\_\_  
(Your Signature)

IN THE FAMILY DIVISION OF THE 7TH JUDICIAL DISTRICT COURT  
OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WHITE PINE

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\_\_\_\_\_) )  
 \_\_\_\_\_) )  
 vs. \_\_\_\_\_) )  
 \_\_\_\_\_) )  
 \_\_\_\_\_) )  
 \_\_\_\_\_) )

FAMILY COURT MOTION/OPPOSITION NOTICE (REQUIRED)
CASE NO.
DEPT. NO.

**NOTICE:** THIS MOTION/OPPOSITION NOTICE MUST BE ATTACHED AS THE LAST PAGE to every motion or other paper filed pursuant to chapter 125, 125B or 125C of NRS and to any answer or response to such a motion or other paper.

A.	Mark the CORRECT ANSWER with an <b>X</b> .	YES	NO
	1. Has a final decree or custody order been entered in this case? If <b>yes</b> , then continue to Question 2. If <b>no</b> , you do not need to answer any other questions.		
	2. Is this a motion or an opposition to a motion filed to change a final order? If <b>yes</b> , then continue to Question 3. If <b>no</b> , you do not need to answer any other questions.		
	3. Is this a motion or an opposition to a motion filed only to change the amount of child support?		
	4. Is this a motion or an opposition to a motion for reconsideration or a new trial <u>and</u> the motion was filed within 10 days of the Judge's Order?		
	<b>IF</b> the answer to Question 4 is <b>YES</b> , write in the <u>filing date</u> found on the front page of the Judge's Order.	Date	
B.	If you answered <b>NO</b> to either Question 1 or 2 or <b>YES</b> to Question 3 or 4, you are <u>exempt</u> from the \$25.00 filing fee. However, if the Court later determines you should have paid the filing fee, your motion will <u>not</u> be decided until the \$25.00 fee is paid.		

I affirm that the answers provided on this Notice are true.

Date: \_\_\_\_\_, \_\_\_\_\_ Signature: \_\_\_\_\_  
 Print Name: \_\_\_\_\_  
 Print Address: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_

1 Code: 3860  
2 Name: \_\_\_\_\_  
3 Address: \_\_\_\_\_  
4 Telephone: \_\_\_\_\_

5 Appearing in Proper Person

6 IN THE FAMILY DIVISION  
7 OF THE 7TH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
8 IN AND FOR THE COUNTY OF WHITE PINE

10 \_\_\_\_\_ Case No. \_\_\_\_\_  
11 vs. Plaintiff/Petitioner, Dept. No. \_\_\_\_\_  
12 \_\_\_\_\_ Defendant/Respondent.  
13 \_\_\_\_\_

14 **REQUEST FOR SUBMISSION OF EX PARTE MOTION**

15  
16 I, \_\_\_\_\_, request that the Ex Parte Motion  
17 (print your name here)

18 \_\_\_\_\_ filed on \_\_\_\_\_,  
19 (Print the name of the Ex Parte Motion) (Date the Ex Parte Motion was filed)

20 be submitted to the Court for it's consideration and Order.

21 This document does not contain the Social Security number of any person.

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

23 Signature: \_\_\_\_\_  
24 Print Your Name: \_\_\_\_\_  
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1 Code: 2965

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IN THE FAMILY DIVISION  
OF THE 7TH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WHITE PINE

\_\_\_\_\_  
Plaintiff, Case No. \_\_\_\_\_  
vs. Dept. No. \_\_\_\_\_  
\_\_\_\_\_  
Defendant.

**ORDER FOR PUBLICATION**

It appears to the satisfaction of the Court from the Affidavit and the Complaint or Petition, and the Court hereby finds, that a cause of action exists for the granting of Plaintiff's Complaint or Petition and that \_\_\_\_\_ is a party required to be noticed by law, and  
(Defendant's Name)

that notice cannot be made by personal service.

That the \_\_\_\_\_ is a newspaper published in the  
(Name of newspaper)

\_\_\_\_\_ and is the newspaper most likely  
(City, County and State where the newspaper is published)

to give notice to the Defendant or other interested parties.

NOW, THEREFORE, IT IS HEREBY ORDERED that the Summons in this action be served as requested by publication in the above-named newspaper, and that said publication be made for a period of four (4) weeks, at least once a week.

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IT IS FURTHER ORDERED and directed that a copy of the Summons and Complaint or  
Petition be deposited in the United States Post Office, enclosed in an envelope upon which postage  
is fully prepaid, addressed to the Defendant, certified mail, with a return receipt requested.

Proof of publication and proof of service, or attempted service, by certified mail shall be  
filed with the Court.

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

\_\_\_\_\_  
DISTRICT JUDGE

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Code: 3715  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone No. \_\_\_\_\_  
Acting in Proper Person

IN THE FAMILY DIVISION  
OF THE 7TH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WHITE PINE

\_\_\_\_\_,  
Plaintiff/Petitioner Case No. \_\_\_\_\_  
VS Dept. No. \_\_\_\_\_  
\_\_\_\_\_,  
Defendant/Respondent.

PROOF OF PUBLICATION

Attached is the proof of publication of the Notice.  
This document does not contain the Social Security number of any person.  
I declare, under penalty of perjury under the law of the State of Nevada, that the  
foregoing is true.

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

\_\_\_\_\_  
(Your Signature)

1 Code: 3725

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IN THE FAMILY DIVISION  
OF THE 7TH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WHITE PINE

\_\_\_\_\_  
Plaintiff,  
vs.  
\_\_\_\_\_  
Defendant.  
\_\_\_\_\_ /

Case No. \_\_\_\_\_  
Dept. No. \_\_\_\_\_

**PROOF OF MAILING**

Attached is proof that I mailed a copy of the Summons and Complaint or Petition in this matter, certified mail, with a return receipt requested, to the last-known address of the Defendant.

This document does not contain the Social Security number of any person.

I declare, under penalty of perjury under the law of the State of Nevada, that the foregoing is true.

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

\_\_\_\_\_  
(Your Signature)

\_\_\_\_\_  
(Print Your Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State, Zip)

\_\_\_\_\_  
(Telephone No.)