# MOTION TO STAY EVICTION ORDER, AFFIDAVIT/DECLARATION IN SUPPORT OF MOTION TO STAY EVICTION ORDER, and ORDER REGARDING MOTION TO STAY EVICTION ORDER TENANT INSTRUCTIONS (Forms #26, #27 and #28)

This information explains how to file a Motion to Stay the Eviction Order.

#### WHAT IS A MOTION TO STAY?

Normally, after the court signs a summary eviction order, the order goes to the clerk's office and is then sent to the sheriff or constable for enforcement. The statute states within 24 hours from the receipt of the order the sheriff or constable must enforce the order. That means the sheriff or constable will lock you out within (as distinct from after) 24 hours. Form #26, Motion to Stay Eviction Order, is used to request the court to delay the enforcement of its summary eviction order. The Motion is your chance to tell the court why you need more time and why immediate eviction would be a special hardship for you. If a stay is granted, that means that the eviction order cannot be enforced until the date indicated by the court. After that date the sheriff or constable will lock you out.

### HOW MUCH TIME IS THE COURT AUTHORIZED TO DELAY THE ENFORCEMENT OF ITS EVICTION ORDER?

Under Nevada Revised Statutes (NRS) 70.010, a Justice of the Peace can stay an order for up to 10 judicial days from the date of the eviction order. The time granted, if any, is totally within the court's discretion.

#### WHEN SHOULD YOU FILE THIS MOTION?

You need to file this Motion to Stay Eviction Order, Form #26, as soon as you can if you think the court is going to evict you. You may file this Motion whether or not you also file a Tenant's Affidavit/Declaration opposing the eviction.

If you also file a Tenant's Affidavit/Declaration contesting the eviction, you may also include your request for a stay in that document.

 <sup>&</sup>quot;Judicial Days" do not include date of service, weekends or legal holidays.
 1 of 7

## **Motion To Stay Eviction Florida**

**David Baud** 

#### **Motion To Stay Eviction Florida:**

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