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MOTION FOR CHANGE OF CUSTODY OR VISITATION

M-4

Self Help Center
1 South Sierra St., First Floor
Reno, NV 89501
775-325-6731
www.washoecourts.com

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**MOTION FOR CHANGE OF
CUSTODY OR VISITATION**

PACKET M-4

Use this motion packet only if all of the following statements are true:

- You have a case with an existing order regarding child custody or visitation in the Second Judicial District Court.
- You are requesting the court change the existing order.

INSTRUCTIONS FOR COMPLETING FORMS

Carefully read all instructions before starting to fill out any of the forms.

Use **black or blue ink only**. Neatly print the information requested.

Do not use correction fluid/tape on the forms.

This packet contains the following forms:

1. Motion for Change of Custody or Visitation
2. Motion / Opposition Notice
3. Proof of Service
4. Reply to Opposition to Motion for Change of Custody or Visitation*
*Only to be used if the other party responds to your motion.
5. Request for Submission
6. Proof of Service

The penalty for willfully making a false statement under penalty of perjury is a minimum of 1 year, and a maximum of 4 years in prison, in addition to a fine of not more than \$5,000.00. N.R.S. §199.145.

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INSTRUCTIONS: STEP 1

Complete the Motion for Change of Custody or Visitation as Shown:

1) Print your name, address, telephone number, and email.

2) Print the names of the parties, the Case No. and Department No. just as they appear on all other documents in this case.

3) Complete pages 1 – 5, following the instructions on each page.

4) Date, sign, and print your name on page 5.

1	Code: 2350
2	Name: _____
3	Address: _____
4	Telephone: _____
5	Email: _____
6	Self-Represented Litigant
7	
8	IN THE FAMILY DIVISION
9	OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
10	IN AND FOR THE COUNTY OF WASHOE
11	_____ Plaintiff / Petitioner / Joint Petitioner, Case No. _____
12	vs. Dept. No. _____
13	_____ Defendant / Respondent / Joint Petitioner.
14	
15	<u>MOTION FOR CHANGE OF CUSTODY OR VISITATION</u>
16	
17	<u>Type of Motion</u>
18	Place an "X" in the box(es) that describe what you are requesting from the Court.
19	
20	A. <input type="checkbox"/> A change in custody
21	<input type="checkbox"/> A change in the general visitation schedule
22	<input type="checkbox"/> Other: _____
23	
24	B. The name(s) and date(s) of birth of the minor child(ren) involved in this matter are:
25	Name _____ Date of Birth _____
26	Name _____ Date of Birth _____
27	Name _____ Date of Birth _____
28	If more room is needed, attach additional sheets.
	REV 9/2018 JCB 1 M4 MOTION

1 Code: 2350

2 Name: _____

3 Address: _____

4 Telephone: _____

5 Email: _____

6 Self-Represented Litigant

7 IN THE FAMILY DIVISION
8 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9 IN AND FOR THE COUNTY OF WASHOE

10 _____,
11 Plaintiff / Petitioner / Joint Petitioner,

Case No. _____

12 vs.

Dept. No. _____

13 _____,
14 Defendant / Respondent / Joint Petitioner.

15 _____/
16 MOTION FOR CHANGE OF CUSTODY OR VISITATION

17 *Type of Motion*

18 Place an "X" in the box(es) that describe what you are requesting from the Court.

19
20 A. A change in custody

21 A change in the general visitation schedule

22 Other: _____

23
24 B. The name(s) and date(s) of birth of the minor child(ren) involved in this matter are:

25 Name _____ Date of Birth _____

26 Name _____ Date of Birth _____

27 Name _____ Date of Birth _____

28 If more room is needed, attach additional sheets.

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Relief Requested and Argument
Describe what you want the Court to order. In detail, tell the Court what you are asking for and why you believe you should be granted your request(s).

C. _____

If more room is needed, attach additional sheets.

Best Interest

Answer each question.

Describe, in detail, why the requested custody and visitation schedule is in the best interest of the child(ren). If you need more room to answer the questions attach additional sheets.

D. The requested custody and visitation schedule is in the best interest of the minor child(ren) for the following reasons:

1. The minor child(ren) **IS/ARE** -OR- **IS NOT/ARE NOT** old enough and capable of having a preference in the custody and visitation.

If the minor child(ren) is/are, their age(s) and preference(s) is/are:

2. There **IS** -OR- **IS NOT** a nomination of a guardian. If there is, the name(s) of the nominated guardian(s) is/are: _____

3. **I AM** -OR- **THE OTHER PARENT** is more likely to allow the minor child(ren) to have frequent contact with and a continuing relationship with the other parent because:

-OR- **NOT APPLICABLE**

4. The level of conflict between the other parent and me is: _____

therefore the proposed custody and visitation schedule is in the best interest of the minor child(ren).

5. Me and the other parent **ARE** able to cooperate to meet the needs of the minor child(ren).

-OR-

Me and the other parent **ARE NOT** able to cooperate to meet the needs of the minor child(ren) and the proposed custody and visitation schedule is in the best interest of the minor child(ren) because: _____

1 6. My mental and physical health is: _____

2 _____
3 My spouse's mental and physical health is: _____

4 _____
5
6 7. The minor child(ren) have the following physical, developmental, and emotional needs:

7 _____
8
9 8. My relationship with the minor child(ren) is: _____

10 _____
11 The other parent's relationship with the minor child(ren) is: _____

12 _____
13
14 9. This custody and visitation schedule **WILL** -OR- **WILL NOT** allow the minor
15 child(ren) to maintain a relationship with siblings.

16 -OR- **NOT APPLICABLE**

17
18 10. I **HAVE** -OR- **DO NOT HAVE** a history of parental abuse or neglect of the minor
19 child(ren) or any sibling of the minor child(ren), or a history of domestic violence against
20 the minor child(ren), the other parent, or any other person who lives with the minor
21 child(ren). If there is a history, the abuse, neglect, or act of domestic violence was:

22 (Include case number(s), if any and if known) _____

23 The other parent **HAS** -OR- **DOES NOT HAVE** a history of parental abuse or
24 neglect of the minor child(ren) or any sibling of the minor child(ren), or a history of
25 domestic violence against the minor child(ren), myself, or any other person who lives with
26 the minor child(ren).

27 If there is a history, the abuse, neglect, or act of domestic violence was:

28 (Include case number(s), if any and if known) _____

1 11. I **HAVE** -OR- **HAVE NOT** committed an act of abduction against the minor
2 child(ren) or any other child.

3 If there is a history, the act of abduction was: _____
4 _____

5 The other parent **HAS** -OR- **HAS NOT** committed an act of abduction against the
6 minor child(ren) or any other child.

7 If there is a history, the act of abduction was: _____
8 _____

9
10 This document does not contain the personal information of any person as defined by NRS
11 603A.040.

12 I declare under penalty of perjury under the law of the State of Nevada that the foregoing
13 statements are true and correct.

14
15
16 Date: _____

Your Signature: _____

17
18 Print Your Name: _____
19
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25

26 **Notice to Responding Party:** You have a limited amount of time to respond to this Motion. If you
27 do not respond in writing within ten (10) judicial days, plus three (3) calendar days if the Motion
28 was mailed or received by electronic service, the Court may grant this Motion without a hearing.

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INSTRUCTIONS: STEP 2

Complete the Motion/Opposition Notice as Shown:

1) Print the names of the parties, the Case No. and Department No. just as they appear on all other documents in this case.

2) Place an "X" in the correct box to answer the required yes or no questions about your case.

3) Date, sign, print your name, address, and telephone number.

IN THE FAMILY DIVISION OF THE SECOND JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

_____)
_____)
vs. _____)
_____)
_____)

FAMILY DIVISION
MOTION/OPPPOSITION NOTICE
(REQUIRED)

CASE NO. _____

DEPT. NO. _____

NOTICE: THIS MOTION/OPPPOSITION NOTICE **MUST BE ATTACHED AS THE LAST PAGE** to every motion or other paper filed to modify or adjust a final order that was issued 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 X .	YES	NO
1. Has a final decree or custody order been entered in this case? If yes , then continue to Question 2. If no , you do not need to answer any other questions.	<input type="checkbox"/>	<input type="checkbox"/>
2. Is this a motion or an opposition to a motion filed to change a final order? If yes , then continue to Question 3. If no , you do not need to answer any other questions.	<input type="checkbox"/>	<input type="checkbox"/>
3. Is this a motion or an opposition to a motion filed only to change the amount of child support?	<input type="checkbox"/>	<input type="checkbox"/>
4. Is this a motion or an opposition to a motion for reconsideration or a new trial and the motion was filed within 10 days of the Judge's Order?	<input type="checkbox"/>	<input type="checkbox"/>
IF the answer to Question 4 is YES, write in the <u>filing date</u> found on the front page of the Judge's Order.	Date	<input type="text"/>

B. If you answered **NO** to either Question 1 or 2 or **YES** to Question 3 or 4, you are exempt from the filing fee. However, if the Court later determines you should have paid the filing fee, your motion will not be decided until the fee is paid.

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

Date: _____ Signature: _____

Print Name: _____

Print Address: _____

Telephone Number: _____

Rev. 10/24/2002

IN THE FAMILY DIVISION OF THE SECOND JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF WASHOE

* * *

_____))
 _____))
 _____))
 vs. _____))
 _____))
 _____))
 _____))

FAMILY DIVISION 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 to modify or adjust a final order that was issued 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 X .	YES	NO
	1. Has a final decree or custody order been entered in this case? If yes , then continue to Question 2. If no , 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 yes , then continue to Question 3. If no , 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?		
	IF the answer to Question 4 is YES , write in the <u>filing date</u> found on the front page of the Judge's Order.	Date	
B.	If you answered NO to either Question 1 or 2 or YES to Question 3 or 4, you are <u>exempt</u> from the 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 fee is paid.		

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

Date: _____, _____ Signature: _____

Print Name: _____

Print Address: _____

Telephone Number: _____

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INSTRUCTIONS: STEP 3

Electronically Filing the Documents

You will need to upload the original documents to eFlex. EFlex is available online at <https://wcefex.washoecourts.com/>, and at the Second Judicial District Court. Scanners are available at the Second Judicial District Court.

Sign into your eFlex account using the username and password you created and electronically file the:

- Motion to Change Custody or Visitation and any exhibits.
- Motion / Opposition Notice

Once a document has been electronically filed, a Notice of Electronic Filing will be automatically generated and sent to any electronic filers in the case. All electronic filers have agreed to accept the notice as valid and effective service. This replaces the need for paper service.

If the other party has not yet signed up for electronic filing, or you do not know whether the other party is an electronic filer, please contact the Self Help Center. Additional steps are required to complete service if the other party is not an electronic filer.

Make sure to keep the original documents you file for your personal records. File-stamped copies of your documents are available through your eFlex account.

There may be a filing fee charged when documents are filed. Fee information is available at the Filing Office and online at: www.washoecourts.com.

FILING FEE WAIVERS

If you cannot afford the fee, you may apply to have it waived. To apply, you must fill out and file the **Application for Waiver of Fees and Costs packet**, which you can get at:

- Family Division Self Help Center, 1 South Sierra Street, Reno, NV, First Floor
- Protection Order Help Center, 1 South Sierra Street, Reno, NV, Third Floor
- Law Library or Filing Office, 75 Court Street, Reno, NV, First Floor
- Online at: www.washoecourts.com (select the “Forms and Packets” tab on the right hand side of the home screen)

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INSTRUCTIONS: STEP 4

Serving the Documents

If the other party has not yet signed up for electronic filing, please contact the Self Help Center.

If the other party is an electronic filer, they will be automatically served a file-stamped copy of all the forms filed through eFlex. Once a document has been filed, a Notice of Electronic Filing will be automatically generated and available to be viewed on your eFlex account. The Notice of Electronic Filing will tell you whether or not the other party is an electronic filer.

INSTRUCTIONS: STEP 5

Complete the Proof of Service as Shown:

1) Print your name, address, telephone number, and email.

2) Print the names of the parties, the Case No. and Dept. No. just as they appear on all other documents in this case.

3) Print the name of the person served, the date, and select how they were served.

4) The person who completed service must date, sign, and print their name.

1	Code: 3720
2	Name: _____
3	Address: _____
4	Telephone: _____
5	Email: _____
6	Self-Represented Litigant
7	IN THE FAMILY DIVISION
8	OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
9	IN AND FOR THE COUNTY OF WASHOE
10	Plaintiff / Petitioner / Joint Petitioner, _____
11	vs. _____
12	Defendant / Respondent / Joint Petitioner: _____
13	Case No. _____
14	Dept. No. _____
15	<u>PROOF OF SERVICE</u>
16	I served a true and correct copy of the Motion to Change Custody or Visitation upon the following people:
17	1. Name: _____ Date: _____
18	By: <input type="checkbox"/> Service by eFlex <input type="checkbox"/> Personal Service
19	<input type="checkbox"/> Certified mail, return receipt attached <input type="checkbox"/> U.S. Mail, postage prepaid
20	<input type="checkbox"/> Other: _____
21	Address where service occurred, if applicable: _____
22	If more room is needed, attach additional sheets.
23	A copy of this Proof of Service has been electronically served, mailed, or personally delivered to all parties or their lawyer.
24	This document does not contain the personal information of any person as defined by NRS 603A.040.
25	Date: _____ Your Signature: _____
26	Print Your Name: _____
27	REV 9/2018 JCB
28	1 M4 PROOF OF SERVICE

1 Code: 3720

Name: _____

2 Address: _____

3 Telephone: _____

Email: _____

4 Self-Represented Litigant

5 IN THE FAMILY DIVISION

6 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF WASHOE

8
9 _____,
Plaintiff / Petitioner / Joint Petitioner,

Case No. _____

10 vs.

Dept. No. _____

11
12 _____,
Defendant / Respondent / Joint Petitioner.

13 PROOF OF SERVICE

14
15 I served a true and correct copy of the Motion to Change Custody or Visitation upon the
16 following people:

17 1. Name: _____ Date: _____

18 By: Service by eFlex

Personal Service

19 Certified mail, return receipt attached

U.S. Mail, postage prepaid

20 Other: _____

21 Address where service occurred, if applicable: _____

22 If more room is needed, attach additional sheets.

23 A copy of this Proof of Service has been electronically served, mailed, or personally delivered
24 to all parties or their lawyer.

25 This document does not contain the personal information of any person as defined by
26 NRS 603A.040.

27 Date: _____

Your Signature: _____

28 Print Your Name: _____

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INSTRUCTIONS: STEP 6

Filing the Proof of Service

After service is completed, you must file the proof of service with the court. See INSTRUCTIONS: STEP 4. There will not be a filing fee for the proof of service.

Without proof of service on the other party, the court cannot consider your motion.

INSTRUCTIONS: STEP 7

Time to Respond

If you served the other party by electronic service or mail, the other party has ten judicial days, plus three additional calendar days to file a response.

If you served the other party by personal service, the other party has ten judicial days to file a response.

If the other party does not respond within that time, you will file the request for submission to send your motion to the judge for review. Please skip INSTRUCTIONS: STEP 8 and continue to INSTRUCTIONS: STEP 9.

If the other party does file a response, you will file a reply to the other party's opposition to motion *and* the request for submission to send your motion to the judge for review. Please continue to INSTRUCTIONS: STEP 8.

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INSTRUCTIONS: STEP 8

Only use this form if the other party has responded to your motion.

Complete the Reply to Opposition to Motion as Shown:

1) Print your name, address, telephone number, and email.

1 Code: 3795
2 Name: _____
3 Address: _____
4 Telephone: _____
5 Email: _____
6 Self-Represented Litigant

2) Print the names of the parties, the Case No. and Department No. just as they appear on all other documents in this case.

7 IN THE FAMILY DIVISION
8 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9 IN AND FOR THE COUNTY OF WASHOE
10
11 _____
12 Plaintiff / Petitioner / Joint Petitioner, Case No. _____
13 vs. Dept. No. _____
14 Defendant / Respondent / Joint Petitioner.
15

3) Complete pages 1 – 2, following the instructions on each page.

16
17 REPLY TO OPPOSITION TO MOTION FOR CHANGE OF CUSTODY OR VISITATION

4) Date, sign, and print your name on page 2.

18
19 Reply
20 Below, write your reply to the opposition.
21
22 A. _____
23 _____
24 _____
25 _____
26 _____
27 _____
28 _____

1 Code: 3795

2 Name: _____

3 Address: _____

4 Telephone: _____

5 Email: _____

6 Self-Represented Litigant

7 IN THE FAMILY DIVISION
8 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9 IN AND FOR THE COUNTY OF WASHOE

10 _____,
11 Plaintiff / Petitioner / Joint Petitioner,

Case No. _____

12 vs.

Dept. No. _____

13 _____,
14 Defendant / Respondent / Joint Petitioner.
15 _____/

16
17 REPLY TO OPPOSITION TO MOTION FOR CHANGE OF CUSTODY OR VISITATION

18 **Reply**

19 Below, write your reply to the opposition.
20

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22 A. _____
23 _____
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If more room is needed, attach additional sheets.

This document does not contain the personal information of any person as defined by NRS 603A.040.

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

Date: _____

Your Signature: _____

Print Your Name: _____

Do Not File Or Copy This Page

INSTRUCTIONS: STEP 9

Complete the Request for Submission as Shown:

1) Print your name, address, telephone number, and email.

2) Print the names of the parties, the Case No. and Department No. just as they appear on all other documents in this case.

3) Print the date you filed the motion with the court.

4) Date, sign, and print your name.

1	Code: 3860
2	Name: _____
3	Address: _____
4	Telephone: _____
5	Email: _____
6	Self-Represented Litigant
7	IN THE FAMILY DIVISION
8	OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9	IN AND FOR THE COUNTY OF WASHOE
10	_____ Case No. _____
11	Plaintiff / Petitioner / Joint Petitioner, Dept. No. _____
12	vs.
13	_____
14	Defendant / Respondent / Joint Petitioner.
15	_____
16	
17	<u>REQUEST FOR SUBMISSION</u>
18	
19	I request that the Motion for Change of Custody or Visitation filed on _____
20	_____ be submitted to the Court for decision.
21	(Date the document was filed with the Court)
22	This document does not contain the personal information of any person as defined by NRS
23	603A.404.
24	
25	Date: _____ Your Signature: _____
26	
27	Print Your Name: _____
28	
	REV 9/2018 JCB 1 REQUEST FOR SUBMISSION

INSTRUCTIONS: STEP 10

Filing the Reply and/or Request for Submission

You must file the reply and/or request for submission with the court. See INSTRUCTIONS: STEP 4. There will not be a filing fee for these documents.

1 Code: 3860

2 Name: _____

3 Address: _____

4 Telephone: _____

5 Email: _____

Self-Represented Litigant

6 IN THE FAMILY DIVISION
7 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
8 IN AND FOR THE COUNTY OF WASHOE

9
10 _____, Case No. _____

11 Plaintiff / Petitioner / Joint Petitioner,

Dept. No. _____

12 vs.

13 _____,

14 Defendant / Respondent / Joint Petitioner.

15 _____/

16
17 REQUEST FOR SUBMISSION

18
19 I request that the Motion for Change of Custody or Visitation filed on

20 _____ be submitted to the Court for decision.

21 (Date the document was filed with the Court)

22 This document does not contain the personal information of any person as defined by NRS
23 603A.040.

24
25 Date: _____

Your Signature: _____

26
27 Print Your Name: _____

Do Not File Or Copy This Page

INSTRUCTIONS: STEP 11

Completing and Filing the Proof of Service

Complete the second proof of service. After service is completed, you must file the proof of service with the court. See INSTRUCTIONS: STEP 3, 4, & 5. There will not be a filing fee for the proof of service.

Without proof of service on the other party, the court cannot consider your motion.

What Happens Now?

Now that you have completed all the steps, your motion has been sent to the court for a decision. The court has approximately 60 days to grant, deny, or set your motion for a hearing.

Legal Assistance

The information in this packet is provided as a courtesy only. This packet is not a substitute for the advice of an attorney. Counsel is always recommended for legal matters.

If you do not have an attorney, you are encouraged to seek the advice of a licensed attorney or visit the Family Division Self-Help Center which is located at One South Sierra Street, Reno, NV. **The Self Help Center cannot give legal advice** but can give information regarding court procedures.

You may also wish to speak with a family law lawyer at no cost through the Law Library's "Lawyer in the Library" program, or to seek assistance from other free or reduced-cost legal resources in the area, to include:

LAWYER IN THE LIBRARY

First Floor (to the left of the Filing Office) of the courthouse located at:

75 Court Street, Reno, NV.

775-328-3250

www.washoecourts.com/lawlib

Tuesday Evenings – Arrive by 4:25 p.m.

Please Note The program is limited to 10 participants each evening.

NEVADA LEGAL SERVICES

204 Marsh Avenue Reno, NV 89509

(775) 284-3491 – leave a message if necessary

nlslaw.net

WASHOE LEGAL SERVICES

299 S. Arlington Avenue Reno, NV 89501

(775) 329-2727 – leave a message if necessary

www.washoelegalservices.org

1 Code: 3720

2 Name: _____

3 Address: _____

4 Telephone: _____

5 Email: _____

6 Self-Represented Litigant

7 IN THE FAMILY DIVISION

8 OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

9 IN AND FOR THE COUNTY OF WASHOE

10 _____,
11 Plaintiff / Petitioner / Joint Petitioner,

Case No. _____

12 vs.

Dept. No. _____

13 _____,
14 Defendant / Respondent / Joint Petitioner.

15 PROOF OF SERVICE

16 I served a true and correct copy of _____

(Name of document(s) served)

17 upon the following people:

18 1. Name: _____ Date: _____

19 By: Service by eFlex

Personal Service

Certified mail, return receipt attached

U.S. Mail, postage prepaid

Other: _____

21 Address where service occurred, if applicable: _____

22 If more room is needed, attach additional sheets.

23 A copy of this Proof of Service has been electronically served, mailed, or personally delivered
24 to all parties or their lawyer.

25 This document does not contain the personal information of any person as defined by
26 NRS 603A.040.

27 Date: _____

Your Signature: _____

28 Print Your Name: _____