

**NEVADA  
FORECLOSURE TIMELINE**

<b>Functions To Be Performed</b>	<b>No. of Days After File Received</b>
1. Receipt of Referral from Client – Trustee Sale Guarantee is Ordered and Notice Of Default prepared	1
2. Notice of Default Recorded – 1 <sup>st</sup> Legal	2
3. 10-Day Mailings are sent to all parties in the Chain of Title & Mediation Notice sent to Borrower of Owner Occ Property	11
4. Election for Mediation Expires and Mediation Certificate is requested	51
5. 3 Month Redemption Expires- Certificate of Mediation is <b>REQUIRED</b> prior to proceeding with Posting & Publication	92
6. Publication and Posting of Notice of Sale for 3 consecutive weeks	93
7. Trustee Sale Held	117
8. Trustee's Deed Upon Sale Prepared for Recordation	119

**COMMENTS**

These timelines assume that no delays occurred during the foreclosure process. Delays may occur if the Substitution of Trustee is not returned for recording or if an assignment is missing or other title issues arise.

In addition, delays currently are the result of the new Mediation process that was enacted on July 1, 2009 for all NOD recorded on or after July 1, 2009. The single largest delay is the result of attempting to obtain a Certificate from the Mediation Administrator's Office regardless of the borrower electing Mediation or not electing....A Sale CANNOT be scheduled without the issuance of a Certificate.

A Trustee Sale may only be postponed 3 times after which a new Notice of Sale must be posted and published.

**NEVADA  
BANKRUPTCY MOTION FOR RELIEF TIMELINE  
AND  
ADDITIONAL SERVICES PROVIDED**

<b>Functions To Be Performed</b>	<b>No. of Days After Previous Action Taken</b>
1. Pursuant to Nevada Local Rule 4001, the Movant is required to prepare a two (2) day (if faxed) or a five (5) day (if sent by U.S. mail) Demand Letter, wherein Movant must attempt to resolve the dispute prior to filing the Motion for Relief (“MFR”). We are usually able to accomplish this by faxing the Demand Letter, which results in the two (2) day time period applying. The Demand Letter is required to be attached to the MFR as an exhibit, if the Debtor fails to resolve the dispute.	1
2. Response by Debtor to Demand Letter:	2-5
a. If Debtor agrees to pay the arrearages in a Chapter 7 Bankruptcy: All of the funds necessary for a full reinstatement must be received within the Demand Letter timeframe or the Motion for Relief will be filed upon expiration of the Demand Letter.	
a. If Debtor agrees to cure the post petition default in a Chapter 13 Bankruptcy: A six (6) month Stipulated Adequate Protection Order is prepared and circulated to all of the parties for execution, including the trustee. No MFR will be filed.	
3. No response by Debtor to Demand Letter: The Motion for relief will be filed upon expiration of the Demand Letter.	2-5
4. Scheduled Hearing Date: The hearing date is set and noticed when Motion for Relief is filed. There will be a hearing by the Bankruptcy Court on all MFR’s filed.	
5. Hearing Held: Usually held 21-28 Days from the filing date of the MFR.	21-28
6. Relief Order: The order will be executed by the Court 3-7 days after the hearing date.	3-7
7. Adequate Protection Orders (“APO’s”): APO’s must be executed by all parties.	14-21
8. Final Bill: The final bill will be prepared within one (1) day from the date the Order is received.	1

9. Contested and Continued Cases:  
If disputed evidence is provided by both parties, an Evidentiary Hearing will be set by the Court.

The average time to complete a Chapter 7 Bankruptcy case in Nevada is approximately 30-35 days. The average time to complete a Chapter 13 Bankruptcy case in Nevada is approximately 40-45 days.

**ADDITIONAL SERVICES PROVIDED:**

- Proof of Claims
- Review of Plan
- Objection to Plan
- Attend Confirmation Hearings
- Motion to Dismiss
- Motion for In Rem relief
- Motion for Possession
- Defend Motion to Reinstate the Stay
- Declaration of Breach (Notice of Default)
- Payment Reconciliations
- Motions to Sequester Cash Collateral
- Motions and/or Responses to Sell Property Free and Clear of All Liens

All services are provided on a Flat Fee basis as agreed upon between the firm and client, except in the case of contested matters that are handled on a hourly basis, subject to prior written approved by the client.

**NEVADA  
RESIDENTIAL FORCIBLE DETAINER (EVICTION)**

<b>Functions to be Performed</b>	<b>No. of Days After File Received</b>
	2
1. Serve demand for possession letter to occupants of property demanding them to vacate the property within five days from the date of the letter.	
2. Have the property inspected six days later to see if property still occupied or if the occupants have vacated.	7
a. If vacant, call client immediately so that they can have property secured.	7
b. If property still occupied, prepare all necessary pleadings and file a forcible entry and detainer action in the superior court of the county where the property is located.	10
3. Court issues an Order to Show Cause hearing approximately fourteen days later approximately 21 days out.	24
4. Occupants must be personally served with the Summons, Complaint and Order to Show Cause.	30
5. Order to Show Cause Hearing Held. If occupants fail to appear at the hearing, an Order is entered against them for possession. Or, if occupants appear at hearing try to convince the judge why a Writ should not be issued, and should the court find in their favor, an Evidentiary Hearing can be set, which will generally delay the process for a significant time, although this is rare. If client's ownership of property is proven and an Order is entered against occupants, the judge will grant the Order indicating that a Writ of Restitution be issued directing the constable's office to lockout the occupants.	65
6. Order and Writ of Restitution usually submitted at hearing and returned from Court 3-5 days later. If result different than anticipated the Order and Writ are sent to the Clerk within 2 days	65-67
7. Once the Order and Writ are returned from Court, they are sent with written Instructions to the constable to lock out the defendants.	68-72
8. Constable's Office takes action to lockout occupants from property usually within 3 days.	71 to 75

## **COMMENTS**

The average time in Nevada to complete an eviction has risen significantly over the last few years due to the increased volume of evictions and delays in the Court. If a party has an existing lease in the premises, both State and Federal law require the foreclosing lender to honor the lease as long as the occupant pays rent. If the lease is expired, these same laws allow the occupant to stay an additional 90 days upon payment of rent.

## **PERSONAL PROPERTY DISPOSITION**

In Nevada, an eviction is completed by a lockout. A locksmith meets the constable at the property and changes the locks on the property. The defendant usually contacts the plaintiff (bank, mortgage company, et cetera) to make arrangements to remove his personal property from the residence. If the defendant fails to contact the plaintiff for the removal of the items, the plaintiff will make arrangements with a licensed, bonded moving company to have the items removed. The plaintiff must then send a letter to the defendant at the last known address stating the name and address of the storage facility and advising that the personal property has been removed and that the storage facility is pre-paid for one month, which must be paid by the plaintiff. Disposal of the property, by the lender or a storage company, cannot take place until after a prior homeowner has been given two notices. The first is the thirty day notice and then a fourteen day notice, sixteen days later, which contains the exact time, date, and location of the auction of disposal of the property.