

Service member's Civil Relief Act Affidavit

Instructions: The Service members' Civil Relief Act applies to a civil proceeding in the Justice Courts. Before entering a default judgment against an individual defendant, the plaintiff must file with the court an affidavit stating whether or not the defendant is in the military service, showing necessary facts to support the affidavit, or stating that the plaintiff is unable to determine whether or not the defendant is in military service, if that is the case. The requirement for an affidavit may be satisfied by a written, signed document declared to be true under penalty of perjury. If it appears that the defendant is in military service, the court may not enter a judgment until after the court appoints an attorney to represent the defendant. If the court is unable to determine if the defendant is in military service, the court may require plaintiff to file a bond in an amount approved by the court.

To obtain certificates of service or non-service under the Service members' Civil Relief Act, you may access the public website: <https://www.dmdc.osd.mil/appj/scra/scraHome.do>. This website will provide the current active military status of an individual.

CASE NO. _____

AFFIDAVIT

50 USC Sec. 520

Plaintiff being duly sworn on oath deposes* and says that defendant(s) is (are)

(CHECK ONE)

- Not in the military
- Not on active duty in the military
- Not in a foreign country on military service
- On active military duty and/or is subject to the Service members Civil Relief Act of 2003
- Has waived his/her rights under the Service members Civil Act of 2003
- Military status is unknown at this time

PLAINTIFF

(Select the applicable title under the signature for the jurat below)

Subscribed and sworn to before me on this the _____ day of _____, 20_____

NOTARY/CLERK

Notary Public in and for the State of Texas

Clerk of the justice Court

SEAL

***Penalty for making or using false affidavit - a person who makes or uses an affidavit knowing it to be false, shall be fined as provided in Title 18, United States Code, or imprisoned for not more than one year or both.**