

Instructions: The Servicemembers 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 the 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 the 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 the military service, the Court may require the Plaintiff to file a bond in an amount approved by the Court.

A person who makes or uses an affidavit under this Act knowing it to be false, may be fined or imprisoned or both. 50 U.S.C. App. 501 et seq. To obtain certificates of service or non-service under the Servicemembers' 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.

MILITARY STATUS AFFIDAVIT

SERVICEMEMBERS CIVIL RELIEF ACT SEC. 201 (b)

Case No. _____ § In the Justice Court

§ PRECINCT 2, PLACE 1
Plaintiff §
vs. §

§ Nueces County, Texas
Defendant

BEFORE ME, the undersigned authority, on this day personally appeared _____, who, under oath and penalty of perjury, stated that the following facts are true:

I am the [] Plaintiff [] Attorney of record for the Plaintiff in this proceeding:

[] Defendant **is not** in the military

[] Defendant, **is** in military service
I know this because _____.

[] I am unable to determine whether or not the Defendant is in military service.

[] Defendant (insert name(s), _____) has signed, while on active duty, a separate written waiver or a written lease containing a waiver of his or her rights under the U.S. Service members Civil Relief Act of 2003.

Plaintiff's Signature

Attorney of Record Signature

SWORN TO AND SUBSCRIBED BEFORE ME on this _____ day of _____, 20_____.

Clerk of the Justice Court

Notary Public in and for the State of Texas

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