

Servicemen's Civil Relief Act (SCRA)

The One Hundred Eighth Congress of the United States of America amended The Soldiers' and Sailor's Civil Relief Act of 1940 to the "Servicemembers Civil Relief Act" or "SCRA". The full text can be found in H.R. 100, Public Law 108-189.

Some time before taking a default judgment, the **PLAINTIFF MUST PROVIDE THE** Court with an affidavit stating plaintiff's knowledge of the military status of the defendant. The Court *shall* require the filing of the affidavit. [Sec. 201 (b)(1)].

If the military status cannot be determined by information in the affidavit, the Court may require the plaintiff to file a bond in the amount approved by the Court to indemnify the defendant for any damage or loss incurred should the judgment be set aside later. [Sec.20 (b)(3)].

Docket No. _____

I am the **Plaintiff** **Attorney** **Agent of record for the plaintiff in this proceeding:**

Plaintiff being duly sworn on oath deposes and says that: (affidavit [Sec. 201(b)])

The defendant is **NOT** on active duty in the military or in a foreign country on military service.

I know this because:

The defendant is **ON** active military duty and/or is subject to the Servicemembers Relief Act of 2003.

I know this because:

The plaintiff is unable to determine if the defendant is in the United States military service.

The defendant has waived his rights under the Servicemembers Civil Relief Act of 2003.

PLAINTIFF

(Select the applicable title or the jurat below)

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

Notary Public in and for the State of Texas or
Clerk of the Justice Court

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 the title 18 United States Code, or imprisoned for not more than one year, or both. [Sec. 201 (b)(4)].