
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 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 Servicemembers' Civil Relief Act, you may access the public website: <https://scra.dmdc.osd.mil/scra/#/home>. This website will provide the current active military status of an individual.

**SERVICEMEMBER'S CIVIL RELIEF ACT AFFIDAVIT
(Military Status)**

Case No. _____

_____ § In the Justice Court of
Plaintiff

Vs. § Johnson County, Texas

_____ § Precinct 1
Defendant

Plaintiff being duly sworn under oath swears that Defendant is: (*check one*)

- not** in military service.
- is** on active military duty and/or is subject to the Servicemember's Civil Relief Act of 2003
- has **waived in writing** his/her rights under the Servicemember's Civil Relief Act of 2003
- military status is unknown at this time

PLAINTIFF

SWORN TO AND SUBSCRIBED before me on _____, 20_____.

Court Clerk/Justice of the Peace

NOTARY PUBLIC, State of Texas

**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.*