

**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. 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://scra-w.dmdc.osd.mil/scra/#/home>. This website will provide the current active military status of an individual.

## Military Status Affidavit

Cause No. \_\_\_\_\_

\_\_\_\_\_

Plaintiff

vs

\_\_\_\_\_

Respondent

§ In The Justice Court of

§

§ Precinct No. Three

§

§ Montgomery County, Texas

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

(CHECK ONE)

not in the military

on active military duty and/or is subject to the Servicemembers Civil Relief Act of 2003

**Certificate of Last Known Address** – Texas Rules of Civil Procedure, Rule 503.1(d) requires a certificate of last known address be filed when requesting a default judgment.

\_\_\_\_\_  
\_\_\_\_\_

Signed on \_\_\_\_\_.

\_\_\_\_\_  
*Signature*

Printed Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

SWORN TO AND SUBSCRIBED BEFORE ME on \_\_\_\_\_.

\_\_\_\_\_  
Clerk of the Justice Court -or-  
Notary Public in and for the State of Texas (STRIKE ONE)