

AFFIDAVIT OF NON MILITARY SERVICE

- **Plaintiff must file an affidavit of non military service before a default judgment can be issued in any Civil case.**

In *any* civil action or proceeding in which any Defendant *does not appear*, the Plaintiff must file an affidavit, verified in writing, subscribed and certified or declared to be true under penalty of perjury prior to the entry of Judgment:

1. Stating whether or not the Defendant is in a military service and showing necessary facts to support the affidavit;
2. If the Plaintiff is unable to determine whether or not the Defendant is in a military service, stating that the Plaintiff is unable to determine whether or not the Defendant is in a military service.

SERVICE MEMBER AFFIDAVIT BY PLAINTIFF

Before me, the undersigned notary, on this day personally the affiant, a person whose identity is known to me. After I administered an oath to him/her, upon his/her oath, he/she states that to the best of his/her knowledge, the Defendant(s) is/are:

- _____ not in the military, per the attached affidavit
- _____ not on active duty in the military
- _____ not in a foreign country on military services
- _____ on active military duty and/or subject to the Servicemembers Civil Relief Act of 2003
- _____ has waived his rights under the Servicemembers Civil Relief Act of 2003
- _____ military status cannot be determined as Plaintiff is not privy to the Social Security Number of Defendant(s)

Plaintiff further states that he has performed a search of the Defense Enrollment and Eligibility Reporting System (DEERS) database which is maintained by the Defense Manpower Data Center (DMDC) and has attached the results hereto which reports, to the best of his knowledge, that Defendant(s) is/are currently not in the military. If there are no results attached hereto that is due to the unavailability of Defendant's Social Security Number, which is required to properly check DEERS.

Affiant

_____ SUBSCRIBED AND SWORN TO before me this the _____ day of _____,
_____ to certify which witness my hand and official seal.

Notary Public/Clerk
Justice of the Peace

Penalty for making or using a 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 than one year, or both