

Military Service Affidavit Required for Default Judgment

Servicemembers Civil Relief Act

The Servicemembers Civil Relief Act (SCRA) may apply to your case. This federal law may not allow you to get a default judgment if the defendant (tenant) does not respond. This federal law starts at 50 U.S.C. App 501. Your local law librarian can help you find it, or go to www.law.cornell.edu (under *Get the Law* click *U.S.Code*, then click *Appendix to Title 50*). This law has strict rules about what “active military service” means. This protection does not apply to all servicemembers at all times. If a service member has signed the lease, you should see a lawyer before trying to evict.

To comply with SCRA, the party requesting a judgment must submit a declaration whether or not the other party is in the military service before the court may enter a judgment against a person who has not appeared in a civil proceeding.

You must provide a Declaration of Non-Military Service before a judge can order a default.

If you know the defendant (tenant) is not in the military, you must state *facts* that explain how you know. **Be aware** that if you make false statements about the defendant’s (tenant) status, you may face both federal and state penalties.

If you have the defendant’s (tenant) Social Security Number and date of birth, go to the Department of Defense website at <https://scra.dmdc.osd.mil> to find out if the tenant is in active service. This site can give you a free statement of service status that you can print out (called a “Certificate of Service” on the website). Bring this statement, or a print out of the screen (by pressing the “print screen” button on your keyboard), to court. You can also call 571-372-1100 for military verification. Put the date and name of the person you spoke with on your motion. If you do not have the Social Security Number or date of birth, commercial websites may be able to provide information.

If you don’t know whether the defendant (tenant) is in the military and have checked the website, or don’t have the necessary information, check “I am unable to determine whether this person is in military service” and add any facts that you do know. The judge will decide whether to grant the default.

<https://scra.dmdc.osd.mil>

IN THE CIRCUIT COURT OF THE STATE OF OREGON FOR
THE TWENTY-FIFTH JUDICIAL DISTRICT

Plaintiff/Landlord

DECLARATION of NON-MILITARY
(Servicemembers Civil Relief Act)

vs.

Case No. _____

Defendant/Tenant

I, _____, hereby declare the following information is true to the best of my knowledge: I am the Plaintiff/Landlord, in this proceeding.

The Defendant/Tenant is is not in military service. State supporting facts:

I am unable to determine whether Defendant/Tenant is in the military service. I have made the following efforts to make this determination:

The Defendant /Tenant has waived his/her rights under the Servicemembers Civil Relief Act, Pub.L. No. 108-189 (2003), as shown by the attached affidavit, labeled as Exhibit_____.

No one in the dwelling from which eviction is sought is dependent on anyone active in the military. State supporting facts:

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

Dated

Plaintiff /Landlord (Signature)

(Print Name)