

DISTRICT COURT OF _____ COUNTY, KANSAS

_____, Plaintiff

Case No. _____

v.

_____, Defendant

AFFIDAVIT OF DEFENDANT’S MILITARY STATUS
50 U.S.C. § 3931(b)(1)

I, _____, certify that the following is true:

1. I am the plaintiff in this case, and (*check one*)

- I have personal knowledge that the defendant **is** in military service.
- I have personal knowledge that the defendant **is not** in military service.
- I am unable to determine whether the defendant is in military service.
- The defendant has waived, in writing, the defendant’s rights under the Servicemembers Civil Relief Act, and that waiver is attached to this Affidavit.

The term “military service” includes the following:

- active duty service as a member of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard;
- service as a member of the National Guard under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days for purposes of responding to a national emergency;
- active service as a commissioned officer of the Public Health Service or of the National Oceanic and Atmospheric Administration; and
- any period of service during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause.

50 U.S.C. § 3911(2).

2. The following facts support the statement above: *(check one)*

I **used** the Servicemembers Civil Relief Act website (<https://scra.dmdc.osd.mil/>) to determine the defendant's military status. I conducted a search using the defendant's name and date of birth. The results of the search are attached to this Affidavit.

I **have not used** the Servicemembers Civil Relief Act website. The following facts support my statement as to the defendant's military service: *(Explain how you know the defendant is or is not in military service, or, if unable to determine whether the defendant is in military service, the steps you took to investigate the defendant's military status.)*

I declare under penalty of perjury that the information provided in this Affidavit is true and correct.

Signature of Plaintiff

Date