

**ORDER FOR STAY -  
SERVICEMEMBERS CIVIL RELIEF ACT**  
Commonwealth of Virginia

Case No. ....

Circuit Court     General District Court  
 Juvenile and Domestic Relations District Court

.....  
CITY OR COUNTY

..... v./In re: .....

**AUTOMATIC STAY**

Pursuant to the Servicemembers Civil Relief Act, Section 201, (50 U.S.C. app. § 521), the court having found that (1) defendant/respondent is in military service and (2) the defendant/respondent has not made an appearance in this case, the court **ORDERS** a stay of default proceedings  *sua sponte*  on application of the servicemember's appointed attorney for not less than 90 days based on the following determination:

there may be a defense to the action and a proper defense cannot be presented without the defendant/respondent.

**OR**

after due diligence, the attorney for the servicemember has been unable to contact the defendant/respondent or otherwise determine if a meritorious defense exists.

Pursuant to the Servicemembers Civil Relief Act, Section 202, (50 U.S.C. app. § 522), the court having found that  plaintiff/petitioner  defendant/respondent is in military service or is within 90 days after termination of or release from military service and, upon application of the aforementioned servicemember, the court **ORDERS** a stay of the civil action or proceeding for not less than 90 days based on the following:

A statement setting forth facts stating the manner in which current military duty requirements materially affect the applicant's ability to appear and stating a date when the applicant will be available to appear.

**AND**

A statement from the applicant's commanding officer stating that the applicant's current military duty prevents appearance and that military leave is not authorized for the applicant at the time of the statement.

**DISCRETIONARY STAY**

Pursuant to the Servicemembers Civil Relief Act, Section 202, (50 U.S.C. app. § 522), the court having found that  plaintiff/petitioner  defendant/respondent is in military service or is within 90 days after termination of or release from military service and that the aforementioned servicemember has received notice of the civil action or proceedings, the court, *sua sponte*, **ORDERS** a stay of the civil action or proceedings for not less than 90 days based on the following:

A statement setting forth facts stating the manner in which current military duty requirements materially affect the servicemember's ability to appear and stating a date when the servicemember will be available to appear.

**AND**

A statement from the servicemember's commanding officer stating that the servicemember's current military duty prevents appearance and that military leave is not authorized for the servicemember at the time of the statement.

A stay of the proceedings is therefore granted until .....  
NEXT HEARING DATE AND TIME

.....  
DATE

.....  
JUDGE