

**AFFIDAVIT – DEFAULT JUDGMENT
SERVICEMEMBERS CIVIL RELIEF ACT**

Commonwealth of Virginia VA. CODE § 8.01-15.2

Case No.

RETURN DATE AND TIME

- Circuit Court General District Court
 Juvenile and Domestic Relations District Court

CITY OR COUNTY

v./In re:

I, _____, the undersigned affiant, states the following under oath:

PRINT NAME

- The defendant/respondent is in military service. is not in military service.

The following facts support the statement above:

- The affiant is unable to determine whether or not the defendant/respondent is in military service.
Pursuant to 50 U.S.C. § 3931, if the court is unable to determine whether the defendant/respondent is in military service based upon the affiant’s statement, the court, before entering judgment, may require the plaintiff/petitioner to file a bond in an amount approved by the court.

DATE

AFFIANT’S SIGNATURE

The above-named affiant personally appeared this day before the undersigned, and upon duly being sworn, made oath that the facts stated in this affidavit are true to the best of his or her knowledge, information and belief.

DATE

CLERK DEPUTY CLERK MAGISTRATE JUDGE INTAKE OFFICER

FOR NOTARY PUBLIC’S USE ONLY:

State of _____ City County of _____

Acknowledged, subscribed and sworn to before me this _____ day of _____, 20 _____.

NOTARY REGISTRATION NUMBER

NOTARY PUBLIC

(My commission expires: _____)

NOTICE REGARDING APPOINTMENT OF COUNSEL TO REPRESENT ABSENT SERVICEMEMBER:

Where appointment of counsel is required pursuant to 50 U.S.C. § 3931 or § 3932 or another section of the Servicemembers Civil Relief Act, the court may assess reasonable attorney fees and costs against any party as the court deems appropriate, including a party aggrieved by a violation of the Act, and shall direct in its order which of the parties to the case shall pay such fees and costs, except the Commonwealth unless it is the party that obtains the judgment. Further, counsel appointed pursuant to the Servicemembers Civil Relief Act shall not be selected by the plaintiff or have any affiliation with the plaintiff.

FOR COURT USE ONLY:

ORDER OF APPOINTMENT OF COUNSEL

I find that appointment of counsel is required pursuant to 50 U.S.C. § 3931 or § 3932 or another section of the Servicemembers Civil Relief Act and therefore, I appoint the lawyer indicated below to represent the absent servicemember named as defendant/respondent above.

NAME, ADDRESS OF COURT APPOINTED LAWYER

NEXT HEARING DATE AND TIME

DATE

JUDGE

STAY OF PROCEEDINGS

I find that a stay of proceedings is required pursuant to 50 U.S.C. § 3931 and, therefore, such a stay, for a minimum period of 90 days, is ordered until _____

NEXT HEARING DATE AND TIME

DATE

JUDGE