

AFFIDAVIT REQUIRED BY *Servicemembers Civil Relief Act* (50 U.S.C.A. 501, et seq. as amended)

IN THE \_\_\_\_\_ COURT OF MADISON COUNTY, ALABAMA

CASE NUMBER: \_\_\_\_\_

(Check one)

CIRCUIT

DISTRICT COURT

SMALL CLAIMS DIVISION

v.

PLAINTIFF

DEFENDANT

STATE OF ALABAMA

MADISON COUNTY

AFFIDAVIT

Before me, the undersigned notary public, magistrate or judge, personally appeared

\_\_\_\_\_, who after being duly sworn by me, states on oath as follows:

I am the **Plaintiff/ Plaintiff's Attorney** in the above referenced case in which a DEFAULT JUDGMENT is being sought and in accordance with § 521, *Servicemembers Civil Relief Act* (50 U.S.C.A. §§ 501, et seq. hereafter "The Act") I hereby declare, certify and state on oath the following:

- That the Defendant in this case **IS/ IS NOT** (Circle one) in military service. {Indicate necessary facts to support this determination. Attach additional page if necessary.}

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OR

- After diligent inquiry I am unable to determine whether or not the defendant is in the military service. {Please note that a judgment entered under this certification is subject to being set aside upon application by or on behalf of a servicemember, to reopen the judgment for the purpose of allowing the servicemember to defend the action if it appears that-- (A) the servicemember was materially affected by reason of that military service in making a defense to the action; and (B) the servicemember has a meritorious or legal defense to the action or some part of it.}

The purpose of this affidavit is to comply with the requirements of *Servicemembers Civil Relief Act* (50 U.S.C.A. §§ 501, et seq.) as it pertains to the entry of default judgments where the Defendant does not make an appearance. I am informed that a person who makes or uses an affidavit permitted under § 521, subsection (b) (or a statement, declaration, verification, or certificate as authorized under § 521, subsection (b)(4) of The Act ) knowing it to be false, shall be fined as provided in Title 18, United States Code, or imprisoned for not more than one year, or both.

Under penalty of perjury I hereby certify and declare the forgoing statements to be TRUE.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
{Signature of Plaintiff or Plaintiff's Attorney}

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Notary Public/ Magistrate or Judge