INSTRUCTIONS AND FORM ON STATEMENT OF DEFENDANT'S MILITARY STATUS

This form references specific South Dakota Codified Laws (SDCL) and you can find these laws on the South Dakota Legislature website. If you have any legal questions, it is highly recommended that you consult with an attorney. Court staff are unable to provide you with legal advice or assist you in completing this form. For specific questions related to the forms, you can also contact the Legal Form Helpline at 1-855-784-0004 or email UJS staff at ujssrlhelp@ujs.state.sd.us.

Important Notice:

Before a default judgment may be entered by the Court the Plaintiff is required to file a statement stating whether the Defendant is in the military service and show necessary facts to support the statement.

To Complete this form, you will need to:

☐ Verify that Paragraphs 1through 3 are correct.

☐ In completing paragraph 4, the military status of a Defendant may be determined by conducting an on-line search through the Department of Defense Manpower Data Center (DMDC) search engine. A Plaintiff using the DMDC must attach a printed copy of the certificate generated by the search.

- ☐ The military status of a Defendant may be determined by contacting each branch of the military. A plaintiff using this method must attach a response from each branch.

- ☐ The military status of a Defendant may also be determined by the Plaintiff, or their agent, personally asking the Defendant or another individual that has sufficient reason to know the defendant's military status.

- ☐ The Plaintiff is not limited to the options discussed above and may have other reasons to know the Defendant's military status. Any additional reasons should be explained for review by the court.

☐ Date and sign.

☐ File original with the Clerk of Court and retain a copy for your records.

STATE OF SOUTH DAKOTA IN CIRCUIT COURT

COUNTY OF_____ _____ JUDICIAL CIRCUIT

_____ Plaintiff v. _____ Defendant	Case No.:_____ **STATEMENT OF DEFENDANT'S MILITARY STATUS**

I, the undersigned litigant, state the following:

1. I am over the age of eighteen years and am competent to make this statement.
2. I am the Plaintiff in the above-entitled matter.
3. That I have either made a personal investigation or personally reviewed the business record of the defendant.
4. As a result of my investigation or review: *(check one)*
   - ☐ It is my belief that the above-named defendant is not in the military on active duty;
   - ☐ It is my belief that the above-name defendant is in the military on active duty;
   - ☐ I have been unable to determine whether the defendant is in the military on active duty.

My information and belief are based on the following, and I have attached the necessary documentation: _____

_____

I declare under penalty of perjury under the law of South Dakota that the foregoing is true and correct.

Signed on the_____day of_____, _____at _____.
(Day) *(Month)* *(Year)* *(City, or other location, and State)*

_____
Plaintiff Signature

_____
Plaintiff Name

_____
Address

_____
City/State/Zip

_____
Phone Number

Form UJS-306
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