

## INSTRUCTIONS AND FORM ON AFFIDAVIT 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 email UJS staff at [ujssrlhelp@ajs.state.sd.us](mailto:ujssrlhelp@ajs.state.sd.us).

### **Important Notice:**

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

### **To Complete this form, you will need to:**

- Verify that Paragraphs 1 through 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 at <https://scra.dmdc.osd.mil/scra/#/login>. 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 in front of a notary or Clerk of Court.
- File original the Clerk of Court and retain a copy for your records.

<p>_____</p> <p>Plaintiff</p> <p>v.</p> <p>_____</p> <p>Defendant</p>	<p>Case No.: _____</p> <p style="text-align: center;"><b>AFFIDAVIT OF DEFENDANT'S MILITARY STATUS</b></p>
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I, the undersigned litigant, being first duly sworn on my oath, depose and state:

1. I am over the age of eighteen years and am competent to make this Affidavit.
2. I am the Plaintiff in the above-entitled matter.
3. That I have either made a personal investigation or personally reviewed the business records 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-named 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 understand that any false statements in this document are made under perjury, and that making a false statement is a violation of Federal Law and is subject to both fine and imprisonment.**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Plaintiff Signature

\_\_\_\_\_  
Plaintiff Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Phone Number

Sworn/affirmed before me this \_\_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary/Deputy Clerk/Clerk of Court

My Commission Expires:\_\_\_\_\_