

Instructions for Affidavit of Defendant's Military Status Form

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.

- Complete this form in black ink only!
- Complete "the Caption". **NOTE:** The caption is the top portion of each form. You will need to know the name of your county, judicial circuit (ask your Clerk of Court if you don't know), name of Plaintiff, name of Defendant, and case filing number (ask your Clerk of Court if you don't know). The caption is the same on every form.
- Verify that Paragraphs 1-3 are correct.
- In completing paragraph 4, the military status of 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 plaintiff, or his or her agent, may also determine a defendant's military status by 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 reason to know the defendant's military status. Any additional reasons should be explained for review by the court.

- You must date and sign the Affidavit of Military Status in front of a Notary Public or Clerk of Court.
- Make a copy for yourself and file the original with the Clerk of Court.

WARNING: By signing your name, you are telling the court that you are telling the truth and that you have a good faith reason for your requests. If you are not telling the truth, if you are misleading the court, or if you are serving or filing this document for an improper purpose, the court could find you in contempt or you could be prosecuted for not telling the truth.

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF _____)
)

_____ JUDICIAL CIRCUIT

Plaintiff

vs.

FILE #: _____

Defendant

AFFIDAVIT OF DEFENDANT'S MILITARY STATUS

I, 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 or plaintiff's agent 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 the investigation or review:
 - it is my belief that the above-named defendant is not in the military services on active duty;
 - it is my belief that the above-named defendant is in the military service on active duty;
 - I have been unable to determine whether or not the defendant is in the military service on active duty.

My information and belief is based on the following: _____

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 _____, _____

Signature

Subscribed and sworn to before me this _____ day of _____, _____

Notary Public/Clerk of Court

If Notary, my commission expires: _____

(SEAL)