

Using This Revisable PDF Form

1. Copies –
 - a. If affidavit only, original - to court.
 - b. If used to appoint counsel, a copy should be provided to the attorney and the service member, if possible.
2. Affidavit prepared by plaintiff. Appointment of counsel and/or stay of proceedings section(s) prepared by clerk or judge and signed by judge.
3. Possible Attachments – Any document initiating a civil proceeding
4. Preparation details –
 - a. This form is for use in complying with the requirements of the Servicemembers Civil Relief Act. It must be completed by the plaintiff in every civil proceeding before a court in the Commonwealth of Virginia.
 - b. This form may used by the court to appoint counsel for the service member.
 - c. While this form may also be used to stay the proceedings if a stay is required under federal law, 50 U.S.C. app. §§ 521 or 522, please use DC-417 ORDER FOR STAY – SERVICEMEMBERS CIVIL RELIEF ACT for more detailed judicial findings

AFFIDAVIT—DEFAULT JUDGMENT
SERVICEMEMBERS CIVIL RELIEF ACT
Commonwealth of Virginia VA. CODE § 8.01-15.2

Case No. 1
2
RETURN DATE AND TIME

3
CITY OR COUNTY

[] Circuit Court [] General District Court
[] Juvenile and Domestic Relations District Court

4 v./In re:

I, 5, the undersigned affiant, states the following under oath:
PRINT NAME

6 [] The defendant/respondent [] is in military service. [] is not in military service.

The following facts support the statement above:

8

9 [] The affiant is unable to determine whether or not the defendant/respondent is in military service.

10
DATE

11
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.

12
DATE

13
[] CLERK [] DEPUTY CLERK [] MAGISTRATE [] JUDGE [] INTAKE OFFICER

FOR NOTARY PUBLIC'S USE ONLY: 14
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. app. § 521 or 522, the court may assess attorneys' fees and costs against any party, as the court deems appropriate, 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.

FOR COURT USE ONLY:

15 [] ORDER OF APPOINTMENT OF COUNSEL

I find that appointment of counsel is required pursuant to 50 U.S.C. app. § 521 or 522 and therefore, I appoint the lawyer indicated below to represent the absent servicemember named as defendant/respondent above.

NAME, ADDRESS OF COURT APPOINTED LAWYER 15

16
NEXT HEARING DATE AND TIME

17
DATE

18
JUDGE

[] STAY OF PROCEEDINGS

19 I find that a stay of proceedings is required pursuant to 50 U.S.C. app. § 521 and, therefore, such a stay, for a minimum period of 90 days, is ordered until

20
DATE

21
JUDGE

Data Elements

1. Case number.
2. Return date and time.
3. Court name. Check the box for the type of court.
4. Case Name.
5. Name of plaintiff in civil case/person completing the affidavit.
6. Check the box if affiant was able to determine if the defendant is in military service.
7. Check applicable box.
8. Provide information that supports the information provided in the Data Element no. 7.
9. Check if the affiant was not able to determine if the defendant was in military service.
10. Date of signature
11. Signature of affiant.
12. Date of taking oath.
13. Signature of person acknowledging affidavit. Check the appropriate title box.
14. If acknowledged by a notary public, all enclosed fields must be completed including notary's registration number and date of commission expiration.
15. Check if attorney appointed to represent servicemember. Name and address of court appointed lawyer, if applicable.
16. Insert date and time of next hearing.
17. Insert date of judge's signature.
18. Signature of judge making appointment.
19. Check this box if order for stay of proceedings is entered. Include next hearing date.
20. Insert date of order for stay of proceedings.
21. Insert judge's signature.