

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
PROBATE DIVISION

_____ LIT _____
(linked to _____)
(Estate of _____)

Plaintiff

vs.

Defendant

**AFFIDAVIT IN COMPLIANCE WITH THE SERVICE MEMBERS CIVIL RELIEF ACT
(2003) (50 U.S.C. App. § 501 et seq.)**

_____ certifies and declares as follows:

1. I am: the plaintiff or the plaintiff's agent in the above-entitled case.
My relationship to the plaintiff is _____.
(If the person completing the form is the plaintiff, leave this line blank.)
2. This affidavit is made pursuant to Section 201 of the Service Members Civil Relief Act (50 U.S.C. App. § 521).
3. I have caused a careful investigation to be made to ascertain whether the above named defendant is in the military service of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard; or a National Guard member called to active service for more than 30 consecutive days by the President or Secretary of Defense to respond to a national emergency; or a commissioned officer in active service of the Public Health Service or the National Oceanic and Atmospheric Administration.
4. As a result of this investigation, I hereby state as follows: (check box A, B, C, or D and complete as instructed)
 - A. The defendant is not in any of the above named branches of the military service AND the defendant has not received notice of induction or notice to report for military service, AND, if this is an action for possession of real property, the premises are not occupied chiefly for dwelling purposes by the spouse, children, or other dependents of a person in military service. The facts supporting this conclusion are as follows (check all that apply and attach additional pages and documentation as necessary):

I have proof of the defendant's military status from the Department of Defense Manpower Data Center, and the certificate of non-military status is attached.

I have contacted each branch of the military and have received confirmation from each branch that the defendant is not in military service. The responses I have received are attached.

The defendant is not an individual. It is a(n) (specify type of business entity) _____ and therefore, no investigation of military service is required.

I asked the defendant personally on (date) _____.

I spoke on (date) _____ with (name and relationship to defendant) _____ who has reason to know the defendant's military status because _____

For the following reasons (explain): _____

B. After a careful investigation, I could not determine whether the defendant is in any of the above named branches of the military service, whether the defendant received notice of induction or notice to report for military service, or, if this is an action for possession of real property, whether an occupant of the property is the spouse, child, or other dependent of a person in military service. I have made the following efforts to investigate the defendant's military status (attach additional pages and documentation as necessary): _____

C. The defendant is in one of the above named branches of the military service. The facts supporting this conclusion are as follows (attach additional pages and documentation as necessary): _____

D. The defendant executed a waiver of rights under Section 107 of the Service Members Civil Relief Act (2003) (50 U.S.C. App. § 517). A copy of the waiver, in at least 12 point type, signed by the defendant during or after his/her military service, is attached.

5. Pursuant to Section 201(b)(4) of the Service Members Civil Relief Act (2003) (50 U.S.C. App. § 521(b)(4)), I certify and declare under penalty of perjury that the information contained above is true.

Date: _____

Signature of Attorney

Signature

Typed Name of Attorney

Typed Name

Address (Actual address/not Post Office Box)

Address (Actual address/not Post Office Box)

Telephone number

Telephone number

Unified Bar number

E-mail address (optional)