

CAUSE NO. _____

_____	§	IN THE JUSTICE COURT
PLAINTIFF	§	
	§	
v.	§	PRECINCT ONE
	§	
_____	§	
DEFENDANT	§	DEAF SMITH COUNTY, TEXAS

SERVICEMEMBER'S CIVIL RELIEF ACT AFFIDAVIT

Instructions: The Servicemember's Civil Relief Act applies to a civil proceeding in the Justice Courts. Before entering a default judgment against an individual defendant, the plaintiff must file with the court an affidavit stating whether or not the defendant is in military service, showing necessary facts to support the affidavit, or stating that the plaintiff is unable to determine whether or not the defendant is in military service, if that is the case. The requirement for an affidavit may be satisfied by a written, signed document declared to be true under penalty of perjury. If it appears that the defendant is in military service, the court may not enter a judgment until after the court appoints an attorney to represent the defendant. If the court is unable to determine if the defendant is in military service, the court may require the plaintiff to file a bond in an amount approved by the court. To obtain certificates of service or non-service under the Servicemember's Civil Relief Act, you may access the public website: <https://www.dmdc.osd.mil/applj/scra/scraHome.do>. This website will provide the current active military status of an individual.

Plaintiff being duly sworn under oath swears that Defendant is: *(check one)*

- not on active duty in the military
- on active military duty and/or is subject to the Servicemember's Civil Relief Act of 2003
- has waived in writing his/her rights under the Servicemember's Civil Relief Act of 2003
- military status is unknown at this time

PLAINTIFF

SWORN TO AND SUBSCRIBED before me on _____, 20____.

CLERK OF THE JUSTICE COURT OR NOTARY

**Penalty for making or using false affidavit – a person who makes or uses an affidavit knowing it to be false, shall be fined as provided in Title 18, United States Code, or imprisoned for not more than one year or both.*

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NOTICE OF DEFENDANT'S LAST KNOWN MAILING ADDRESS

The undersigned certifies that the last known mailing address of the defendant in this case is:

Defendant's Name:

Defendant's Last Known Mailing Address:

(Signature of Plaintiff or Plaintiff's Attorney of Record)

Date

Printed Name: _____

Address: _____

Telephone: _____

Fax: _____

E-Mail: _____

XI. REMOTE PARTICIPATION

Hearing by Phone Call: *(When a hearing happens by phone call, you will be able to talk to and hear the judge, Plaintiff, or any witnesses, but you will not be able to see them. Copies of any evidence to be used must be exchanged by the parties and sent to the judge before the hearing.)*

- Yes, I am able to have any hearings in this case, except a jury trial, by phone call with the judge and Plaintiff and understand that I must have a phone to use on the date and time of the hearing.
- No, I am not able to have hearings by phone call.

Hearing by Video Conference: *(When a hearing happens by video conference, you can hear, see, and talk to the judge, Plaintiff, and any witnesses. You will be able to see any evidence presented during the hearing. You will need to have a computer, a smartphone, or tablet that has a camera feature. You will also need access to the internet to be able to have a video conference.)*

- Yes, I am able to have any hearings in this case, except a jury trial, by video conference. I understand that I am responsible for having the equipment and internet access needed to participate in a video conference on the date and time of the hearing.
- No, I am not able to have hearings by video conference.

NOTE: Your responses in this section do not guarantee that hearings will be held remotely, but rather they help the court know how you are able to participate.

Respectfully submitted,

Signature of Plaintiff

Printed Name: _____
Address: _____

Email: _____
Telephone: _____
Fax: _____

Signature of Attorney, if any

Printed Name: _____
Address: _____

Email: _____
Telephone: _____
Fax: _____
State Bar No.: _____

Date of Issue/Origination: _____

Date of Charge-Off/Breach: _____

Amount Owed: \$ _____ as of _____

VI. ADDITIONAL INFORMATION (CASE BASED ON PROMISSORY NOTE OR OTHER PROMISE TO PAY PERSONAL OR BUSINESS LOAN):

Date/Amount of Original Loan: _____, \$ _____

Repayment Accelerated? _____

Date Final Payment Due: _____

Amount Due on Final Payment Date: \$ _____

Amount Owed: \$ _____ as of _____

VII. ONGOING INTEREST: Plaintiff does or does not seek ongoing interest. If so:

The effective interest rate claimed is _____%; this interest rate is based upon contract statute and began accruing on _____; the dollar amount of interest claimed as of _____ is \$ _____.

VIII. ASSIGNMENT OF CLAIM: Plaintiff was or was not assigned or otherwise transferred this claim. If so, the original claimant/creditor was _____

Subsequent holders were _____

The date the debt was assigned/transferred to Plaintiff was _____

IX. JURY REQUEST

I request a jury trial. *(The fee is \$22 and must be paid at least 14 days before trial unless you file a Statement of Inability to Afford Payment of Court Costs in compliance with Texas Rule of Civil Procedure 502.3.)*

I do not request a jury at this time.

X. SERVICE BY EMAIL *(Normally, documents in this case are sent by mail. If it is easier for you, you can choose to get some of the documents sent by email. If you choose to get documents by email, you must have an email account where you can receive, open, and view large attachments, and it is important that you check this email account every day. Even if you receive some documents by email, you will still receive some documents about the case by mail or personal service, so you must not ignore any documents from the court or other parties received by mail or personal service.)*

Yes, I would like to receive documents related to this case by email at this email address: _____

No, I do not want to receive any documents by email.

CAUSE NO. _____

PLAINTIFF

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PRECINCT ONE

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DEFENDANT

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DEAF SMITH COUNTY, TEXAS

PETITION: DEBT CLAIM CASE

I. DEFENDANT(S) ADDRESS:

II. COMPLAINT: The basis for the claim which entitles Plaintiff to seek relief against Defendant is: _____

III. RELIEF: Plaintiff seeks damages in the amount of \$ _____

IV. SERVICE OF CITATION: Service is requested on Defendant(s) by:

- Personal service at home or work,
- Registered mail, or
- Certified mail return receipt requested.

If required, Plaintiff requests alternative service as allowed by the Texas Rules of Civil Procedure. Other addresses where Defendant(s) may be served are: _____

V. ADDITIONAL INFORMATION (CASE BASED ON CREDIT CARD, REVOLVING ACCOUNT, OR OPEN ACCOUNT):

Account/Credit Card Name: _____

Account Number (may be masked): _____