

EASTERN BAND OF CHEROKEE INDIANS

File No.

Cherokee, North Carolina

In The Cherokee Courts
Before the Trial Court

Name And Address Of Plaintiff

VERSUS

Name And Address Of Defendant

SERVICEMEMBERS CIVIL RELIEF ACT AFFIDAVIT

N.C. G.S. Ch. 127B, Art. 4; 50 U.S.C. 3901 to 4043 (as adopted and interpreted by the C.C.)

NOTE: Though this form may be used in a Chapter 45 Foreclosure action, it is not a substitute for the certification that may be required by N.C. G.S. 45-21.12A.

AFFIDAVIT

I, the undersigned Affiant, under penalty of perjury declare the following to be true:

1. As of the current date: (check one of the following)

- a. I have personal knowledge that the defendant named above is in military service.*
 b. I have personal knowledge that the defendant named above is **not** in military service.*
 c. I am unable to determine whether the defendant named above is in military service.*

2. (check one of the following)

- a. I used the Servicemembers Civil Relief Act Website (<https://scra.dmdc.osd.mil/>) to determine the defendant's military status.
 The results from my use of that website are attached.
(NOTE: The Servicemembers Civil Relief Act Website is a website maintained by the Department of Defense (DoD). If DoD security certificates are not installed on your computer, you may experience security alerts from your internet browser when you attempt to access the website.)
- b. I have not used the Servicemembers Civil Relief Act Website and the following facts support my statement as to the defendant's military service: (State how you know the defendant is not in the military. Be specific.)
- _____
- _____

3. As of the current date: (check one of the following and explain below)

- a. I have personal knowledge that the defendant named above is a dependent of a servicemember in military service.*
 b. I have personal knowledge that the defendant named above is **not** a dependent of a servicemember in military service.*
 c. I am unable to determine whether the defendant named above is a dependent of a servicemember in military service.*

Explanation: _____

***NOTE:** The term "military service" includes the following: active duty service as a member of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard; service as a member of the National Guard under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days for purposes of responding to a national emergency; active service as a commissioned officer of the Public Health Service or of the National Oceanic and Atmospheric Administration; any period of service during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause. 50 U.S.C. 3911(2). The term "military service" also includes the following: State active duty as a member of the North Carolina National Guard under an order of the Governor pursuant to Chapter 127A of the General Statutes, for a period of more than 30 consecutive days; service as a member of the National Guard of another state under an order of the governor of that state that is similar to State active duty, for a period of more than 30 consecutive days. N.C. G.S. 127B-27(3).

SWORN/AFFIRMED AND SUBSCRIBED TO BEFORE ME

Date

Date

Signature Of Affiant

Signature Of Person Authorized To Administer Oaths

Name Of Affiant (type or print)

Deputy Clerk Assistant Clerk Clerk Of Court Magistrate

SEAL

Notary

Date My Commission Expires

NOTE TO COURT: Do not proceed to enter judgment in a non-criminal case in which the defendant has not made an appearance until a Servicemembers Civil Relief Act affidavit (whether on this form or not) has been filed, and if it appears that the defendant is in military service or is a dependent of a servicemember engaged in military service, do not proceed to enter judgment until such time that you have appointed an attorney to represent him or her.