

United States Code Annotated
Title 50. War and National Defense (Refs & Annos)
Chapter 50. Servicemembers Civil Relief (Refs & Annos)
Subchapter II. General Relief

50 U.S.C.A. § 3931

Formerly cited as 50 App. USCA § 521 Formerly cited as 50 App. USCA § 520

§ 3931. Protection of servicemembers against default judgments

Currentness

(a) Applicability of section

This section applies to any civil action or proceeding, including any child custody proceeding, in which the defendant does not make an appearance.

(b) Affidavit requirement

(1) Plaintiff to file affidavit

In any action or proceeding covered by this section, the court, before entering judgment for the plaintiff, shall require the plaintiff to file with the court an affidavit--

(A) stating whether or not the defendant is in military service and showing necessary facts to support the affidavit; or

(B) if the plaintiff is unable to determine whether or not the defendant is in military service, stating that the plaintiff is unable to determine whether or not the defendant is in military service.

(2) Appointment of attorney to represent defendant in military service

If in an action covered by this section 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 an attorney appointed under this section to represent a servicemember cannot locate the servicemember, actions by the attorney in the case shall not waive any defense of the servicemember or otherwise bind the servicemember.

(3) Defendant's military status not ascertained by affidavit

If based upon the affidavits filed in such an action, the court is unable to determine whether the defendant is in military service, the court, before entering judgment, may require the plaintiff to file a bond in an amount approved by the court. If the defendant is later found to be in military service, the bond shall be available to indemnify the defendant against any loss or damage the defendant may suffer by reason of any judgment for the plaintiff against the defendant, should the judgment be set aside in whole or in part. The bond shall remain in effect until expiration of the time for appeal and setting aside of

a judgment under applicable Federal or State law or regulation or under any applicable ordinance of a political subdivision of a State. The court may issue such orders or enter such judgments as the court determines necessary to protect the rights of the defendant under this chapter.

(4) Satisfaction of requirement for affidavit

The requirement for an affidavit under paragraph (1) may be satisfied by a statement, declaration, verification, or certificate, in writing, subscribed and certified or declared to be true under penalty of perjury.

(c) Penalty for making or using false affidavit

A person who makes or uses an affidavit permitted under subsection (b) (or a statement, declaration, verification, or certificate as authorized under subsection (b)(4)) knowing it to be false, shall be fined as provided in Title 18, or imprisoned for not more than one year, or both.

(d) Stay of proceedings

In an action covered by this section in which the defendant is in military service, the court shall grant a stay of proceedings for a minimum period of 90 days under this subsection upon application of counsel, or on the court's own motion, if the court determines that--

(1) there may be a defense to the action and a defense cannot be presented without the presence of the defendant; or

(2) after due diligence, counsel has been unable to contact the defendant or otherwise determine if a meritorious defense exists.

(e) Inapplicability of section 3932 procedures

A stay of proceedings under subsection (d) shall not be controlled by procedures or requirements under section 3932 of this title.

(f) Section 3932 protection

If a servicemember who is a defendant in an action covered by this section receives actual notice of the action, the servicemember may request a stay of proceeding under section 3932 of this title.

(g) Vacation or setting aside of default judgments

(1) Authority for court to vacate or set aside judgment

If a default judgment is entered in an action covered by this section against a servicemember during the servicemember's period of military service (or within 60 days after termination of or release from such military service), the court entering the judgment shall, upon application by or on behalf of the servicemember, reopen the judgment for the purpose of allowing the servicemember to defend the action if it appears that--

(A) the servicemember was materially affected by reason of that military service in making a defense to the action; and

(B) the servicemember has a meritorious or legal defense to the action or some part of it.

(2) Time for filing application

An application under this subsection must be filed not later than 90 days after the date of the termination of or release from military service.

(h) Protection of bona fide purchaser

If a court vacates, sets aside, or reverses a default judgment against a servicemember and the vacating, setting aside, or reversing is because of a provision of this chapter, that action shall not impair a right or title acquired by a bona fide purchaser for value under the default judgment.

CREDIT(S)

(Oct. 17, 1940, c. 888, Title II, § 201, as added Pub.L. 108-189, § 1, Dec. 19, 2003, 117 Stat. 2840; amended Pub.L. 110-181, Div. A, Title V, § 584(a), Jan. 28, 2008, 122 Stat. 128.)

Notes of Decisions (228)

50 U.S.C.A. § 3931, 50 USCA § 3931

Current through P.L. 119-4. Some statute sections may be more current, see credits for details.

End of Document

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Single Record Request

Use this page to request a Certificate verifying Active Duty Status for an individual on a specified date.

** SSN is NOT required. Unless you are a financial institution or otherwise required to collect SSNs, you should not require individuals to provide you with their SSN for the sole purpose of conducting a query on this website. Searches can be conducted using Last Name and Date of Birth alone. Providing additional details such as First Name, Middle Name, or SSN, if already known, will increase the accuracy of the match. If you do provide SSN, Date of Birth is not required, however including it can further improve the accuracy of the match.

** SSN

Show



Repeat SSN

Show

** Date of Birth



MM/DD/YYYY

Show

*Last Name

First Name

Middle Name

*Active Duty Status

Date



02/21/2025



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Permissible Uses: Access to this website is restricted to financial institutions, collection agencies, and others with financial and legal transactions with eligible service members for the sole purpose of ensuring that those service members receive Servicemembers Civil Relief Act (SCRA) protections in accordance with 50 U.S.C. Chapter 50. All other use is strictly prohibited.

VIOLATIONS OF THESE TERMS OF USE MAY RESULT IN IMMEDIATE TERMINATION OF ACCESS TO THE SERVICES OF THIS WEBSITE WITHOUT PRIOR NOTICE.

UNAUTHORIZED ACCESS MAY SUBJECT YOU TO CRIMINAL PENALTIES INCLUDING POTENTIAL FINES AND IMPRISONMENT IF YOU MAKE A FALSE REPRESENTATION TO GAIN ACCESS TO THE SERVICES OFFERED ON THIS WEBSITE OR OBTAIN INFORMATION UNDER FALSE PRETENSES. 18 U.S.C. § 1001

Tips & Notes

- Without a Social Security Number, DMDC cannot authoritatively assert that this is the same individual that your query refers to. Name and date of birth alone do not uniquely identify an individual.
- Check your data entry before submitting it.
- Response may take up to 15 seconds after clicking "Submit".

Resources

- [Download Adobe Reader \(http://get.adobe.com/reader/\)](http://get.adobe.com/reader/)
- [Unexpected Results?](#)

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SCRA 5.24

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[Regulatory/No-Fear-Act\)](#) [USA.Gov \(http://www.usa.gov/\)](http://www.usa.gov/)

STATE OF VERMONT

SUPERIOR COURT
CALEDONIA UNIT

CIVIL DIVISION
DOCKET NO. 170-12-20 Cacv

WAYNE GOODWIN,)
Plaintiff,)
)
v.)
)
FREDERICK FRANKLIN,)
Defendant.)

AFFIDAVIT OF WAYNE GOODWIN

Wayne Goodwin, being duly sworn, deposes and says under oath:

1. I am the Plaintiff in this case.
2. I was the Plaintiff in the case Wayne Goodwin and Pamela Norrie v. Frederick Franklin, Vermont Superior Court, Caledonia Unit, Docket No. 116-5-11 Cacv, in which the Court granted Judgment in my favor on March 22, 2013, in the amounts of \$50,535.48 in favor of Wayne Goodwin and Pamela Norrie and \$22,068.84 in favor of Vermont Legal Aid.
3. I have not received any payment on that judgment.
4. Frederick Franklin is at least 18 years old.
5. I have no knowledge that defendant has ever been determined to be mentally incompetent.
6. As far as I know, the defendant is not a person in military service.

Vermont Legal Aid

177 Western Avenue Suite 1
St Johnsbury, VT 05819
(802) 748-8721
saintmail@vtlegalaid.org

7. I see Frederick Franklin around locally pretty frequently. I saw him yesterday alongside the road in Lyndon, hitchhiking.

Dated in 5-6-21, Vermont, this 6 day of May, 2021.


Wayne Goodwin

SUBSCRIBED and sworn to before me in St. Johnsbury, Vermont, this 6 day of May, 2021.


Notary Public

Maryellen Griffin, Staff Attorney
Printed Name and Job Title

Notary Commission Number: 157.0002862
Commission expires on 1/31/2023.



Status Report
Pursuant to Servicemembers Civil Relief Act

SSN:
 Birth Date: Dec-XX-1957
 Last Name: FRANKLIN
 First Name: FREDERICK
 Middle Name:
 Status As Of: May-06-2021
 Certificate ID: RKNXZKM8VW2HCK5

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty. HOWEVER, WITHOUT A SOCIAL SECURITY NUMBER, THE DEPARTMENT OF DEFENSE MANPOWER DATA CENTER CANNOT AUTHORITATIVELY ASSERT THAT THIS IS THE SAME INDIVIDUAL THAT YOUR QUERY REFERS TO. NAME AND DATE OF BIRTH ALONE DO NOT UNIQUELY IDENTIFY AN INDIVIDUAL.

Michael V. Sorrento, Director
 Department of Defense - Manpower Data Center
 400 Gigling Rd.
 Seaside, CA 93955

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 3901 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service. Service contact information can be found on the SCRA website's FAQ page (Q35) via this URL: <https://scra.dmdc.osd.mil/scra/#/faqs>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 3921(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

STATE OF VERMONT

SUPERIOR COURT

CIVIL DIVISION

Caledonia

Unit

Docket No.: 21-CV-02011

Plaintiff(s)

Steven Dolgin dba Dolgin Realty

VS.

Defendant(s)

Kathleen Humphrey, ET ALL

MOTION FOR DEFAULT JUDGMENT
And Affidavit

FILED

DEC 16 2021

VERMONT SUPERIOR COURT
CALEDONIA UNIT

- 1. Plaintiff moves for Default Judgment because defendant has failed to file an answer after being served.
2. I am [X] Plaintiff [] Employee/Officer of the Plaintiff and my Title is (if applicable)
I state, under oath, that on information and belief the defendant is at least 18 years old and is not mentally incompetent.
3. I state, under oath, that on information and belief the defendant is not a person in military service. I know this because:
[X] a. Attached is a copy of the Sevice Members Relief Act signed by the defendant - exhibit 6

OR

- [] b. Diligent search of Department of Defense database found at:
https://www.dmdc.osd.mil/appj/scra/scraHome.do. Proof of search attached.

4. I further state, under oath, that defendant owes plaintiff \$ 8646.65 in damages.

The total amount I am seeking is:

Table with 2 columns: Category and Amount. Rows include Damages (\$7,596.06), Prejudgment interest (\$510.39), Filing fees (\$295.00), Service costs (\$245.20), and TOTAL (\$8,646.65).

5. The reason the Defendant owes this money is (please set forth a complete, detailed explanation of why the Defendant owes you the damages claim in paragraph 4 above):

Handwritten table detailing damages: Damages include owed in back rent (\$4841.06), 15 Day storage (in lease \$30.00 per day) (\$450.00), Cleaning and Misc (\$2330.00), Damage from (1565.00), Duping Fee (200.00), credit rewards deposit (1790.00), Filing Fees court (295.00), pre judgment interest (510.39), service costs (245.20), and Total (8646.65).

exhibit 6

FILED

DEC 16 2021

VERMONT SUPERIOR COURT
CALEDONIA UNIT

SERVICE MEMBERS RELIEF ACT

I hereby certify that I am not currently on any active duty status as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health and Coast Guard)

Signature [Handwritten Signature] Date 2-5-20

[Handwritten Signature] Date 2-5-20