

FILED

IN THE UNITED STATES BANKRUPTCY COURT
FO THE EASTERN DISTRICT OF OKLAHOMA

at _____ O'clock & _____ min _____ M

APR 30 2003 TB

THERESE BUTHOD, CLERK
United States Bankruptcy Court
Eastern District of Oklahoma

IN RE:)
)
NOTICE REGARDING)
SOLDIERS' AND SAILORS')
CIVIL RELIEF ACT)
)

Gen. Order No. 38

ORDER

Pursuant to the provisions of the Soldiers' and Sailors' Civil Relief Act, 50 app. U.S.C. §501 et seq., there are certain safeguards that must be followed relating to men and women of the Armed Services of the United States. The court must be made aware, prior to the entry of any Default Judgment, whether the defendant is a member of the military.

THEREFORE, IT IS HEREBY ORDERED that:

If the defendant is in default for failure to appear in the action filed by the Plaintiff, the Plaintiff must file an Affidavit with the court before judgement may be entered. The Affidavit must show that the Defendant is not in the military. If the Plaintiff is unable to file an Affidavit showing the Defendant is not in the military, then the Plaintiff should file an Affidavit stating either that the Defendant is in the military or the Plaintiff is unable to determine whether the defendant is in the military.

If the Defendant is in the military, the party requesting the Default Judgment must state to the court that the Defendant is in the military.

On any proposed Order of Default Judgment prepared by a party, you must state within the Order whether or not the Defendant is a member of the military service.

An example of an Affidavit regarding non-military status is attached to this order.

Dated this 30th day of April, 2003.



TOM R. CORNISH
Unites States Bankruptcy Judge

DECLARATION OF NON-MILITARY STATUS

[Not required if the defendant is a partnership, corporation or trustee in bankruptcy.]

Defendant (Name): _____, is not in the military service or in the military service of the United States as defined in Section 101 of the Soldiers' and Sailors' Relief Act of 1940, as amended, and not entitled to the benefits of the Act.

I certify (or declare) under penalty of perjury that the foregoing is true and correct and that this declaration is executed on

_____, at

(City)

(State and ZIP)

(Type or Print Name)

(Signature of Declarant)

If in fact, the Defendant or Debtor is in the military, as defined under the Act, the Affidavit should state so and whether the Defendant is on active duty.