

NOTICE TO COURTS

Soldier: _____

Address: _____

City: _____

State/Zip: _____

Date: _____

_____ District Court

Judge: _____

Address: _____

City: _____

State/Zip: _____

Case Name: _____ v _____

Case No. _____

Dear Judge:

I am a member of the Utah National Guard and, subject to lawful military order, have been mobilized. I am requesting relief under the Servicemembers' Civil Relief Act (SCRA) (50 USC app. 501 et seq). That relief is principally a stay of proceedings or relief from a default judgment, in regard to the above-entitled matter.

The SCRA applies to all personnel ordered to extended active duty in any of the armed forces. The protection of the Act applies to any civil action in any court in the U.S., including all federal, state and local courts. The Act protects the service member against default judgments and provides for stays of judicial proceedings at any stage of the lawsuit. The Act provides procedural protection to service members when they cannot appear in a civil action because of their military duties. The courts may grant a stay unless the other party can prove to the court that the military member's service does not materially affect the member's ability to appear and present his case. If an individual intends to utilize the Act, the individual must "trigger" the Act, or stated in another way, the member should direct to the court's attention the fact that the individual is a member of the service. If the court decides that military service did materially affect the member's ability to appear, appropriate relief may be granted.

Sincerely,

I certify that the above-mentioned servicemember is unavailable for civil proceedings due to military service.

_____ Date

_____ Commander