

Using This Revisable PDF Form

1. Copies –
 - a. Original – to court.
 - b. Copies – to servicemember and servicemember’s attorney if servicemember has not made an appearance.
2. Attachments –
 - a. Form DC-418, AFFIDAVIT – DEFAULT JUDGMENT SERVICEMEMBERS CIVIL RELIEF ACT
3. Preparation details –
 - a. This form may be used when a stay is required, or when a discretionary stay is authorized, under federal law, 50 U.S.C. app. § 521 or 522.

ORDER FOR STAY –
SERVICEMEMBERS CIVIL RELIEF ACT
Commonwealth of Virginia

Case No.1.....

.....2.....
CITY OR COUNTY
[] Circuit Court [] General District Court
[] Juvenile and Domestic Relations District Court

.....3.....
v./In re:

AUTOMATIC STAY

4 [] Pursuant to the Servicemembers Civil Relief Act, Section 201, (50 U.S.C. app. § 521), the court having found that (1) defendant/respondent is in military service and (2) the defendant/respondent has not made an appearance in this case, the court ORDERS a stay of default proceedings [] *sua sponte* [] on application of the servicemember’s appointed attorney for not less than 90 days based on the following determination:

5 { [] there may be a defense to the action and a proper defense cannot be presented without the defendant/respondent.
OR
[] after due diligence, the attorney for the servicemember has been unable to contact the defendant/respondent or otherwise determine if a meritorious defense exists.

6 [] Pursuant to the Servicemembers Civil Relief Act, Section 202 (50 U.S.C. app § 522), the court having found that [] plaintiff/petitioner [] defendant/respondent is in military service or is within 90 days after determination of or release from military service and, upon application of the aforementioned servicemember, the court ORDERS a stay of the civil action or proceeding for not less than 90 days based on the following:

A statement setting forth facts stating the manner in which current military duty requirements materially affect the applicant’s ability to appear and stating a date when the applicant will be available to appear.

AND

A statement from the applicant’s officer stating that the applicant’s current military duty prevents appearance and that military leave is not authorized for the applicant at the time of the statement.

DISCRETIONARY STAY

7 [] Pursuant to the Servicemembers Civil Relief Act, Section 202, (50 U.S.C. app. § 522), the court having found that [] plaintiff/petitioner [] defendant/respondent is in the military service or is within 90 days after termination of or release from military service and that the aforementioned servicemember has received notice of the civil action or proceedings, the court, *sua sponte*, ORDERS a stay of the civil action or proceedings for not less than 90 days based on the following:

A statement setting forth facts stating the matter in which current military duty requirements materially affect the servicemember’s ability to appear and stating a date when the servicemember will be available to appear.

AND

A statement from the servicemember’s commanding officer stating that the servicemember’s current military duty prevents appearance and that military leave is not authorized for the servicemember at the time of the statement.

A stay of the proceedings is therefore granted until8.....
NEXT HEARING DATE AND TIME

.....9.....
DATE

.....10.....
JUDGE

Data Elements

1. Case number.
2. Court name. Check box for type of court.
3. Case name.
4. If there has been no appearance made by the defendant/respondent servicemember, check this box if order for stay of proceedings is required. Check the appropriate box that follows to indicate whether order for stay is by the court's own motion or on application of defendant/respondent servicemember's attorney.
5. Check the appropriate box.
6. If the servicemember has made an appearance, check this box if order for stay of proceedings is required. Check the appropriate box that follows to indicate whether the servicemember is a party plaintiff/petitioner or defendant/respondent.
7. If the servicemember has made an appearance, check this box if court's order for stay is discretionary on the court's own motion. Check the appropriate box that follows to indicate whether the servicemember is a party plaintiff/petitioner or defendant/respondent.
8. Insert date and time of next hearing.
9. Date of judge's signature.
10. Signature of judge.