MAGISTRATE COURT OF CAMDEN COUNTY

JENNIFER E. LEWIS, CHIEF JUDGE

Post Office Box 386 · Woodbine, Georgia 31569 · (912) 576-5658 · FAX: (912) 576-7955

Dear Plaintiff,

Enclosed you will find a copy of a blank Certificate in Support of Default Judgment which must be used when requesting default judgments in order to comply with Uniform Magistrate Court Rule 43.1. Please list **only one defendant** on a Certificate in Support of Default Judgment. If you have multiple defendants on a case you will need to **complete a separate** Certificate for each defendant. You will also need to determine and provide supporting documentation regarding the defendants' military status.

As you can see, the Certificate cannot be completed without having a copy of the Sheriff's Return of Service. Therefore, my office will begin mailing a copy of the Sheriff's Return of Service to all plaintiffs.

The service date to be entered in item number two can be found at the bottom of the Sheriff's Return of Service. You will enter the date found on the Magistrate Court of Camden County time and date stamp in item number three. Please contact my office if you are unable to read the time and date stamp and my clerk will be happy to provide you with the correct information. The type of service perfected to be entered in item number four can be found on the left side of the Sheriff's Return of Service. It may be checked and/or circled by the deputy.

I have enclosed a copy of the supporting code sections to help explain the changes that have had to be made statewide regarding requests for default judgments. You will also find information on why you may have a security certificate error message appear on your computer when researching the defendants' military status.

Should you have any questions or concerns, please do not hesitate to contact my office at (912) 576-5658.

Sincerely-

Jennifer Lewis
Chief Magistrate Judge
Camden County, Georgia

_____

_____
Plaintiff(s)

-vs-

_____
Defendant

MAGISTRATE COURT OF CAMDEN COUNTY
BRUNSWICK JUDICIAL CIRCUIT
STATE OF GEORGIA

Civil Action # _____

CERTIFICATE IN SUPPORT OF DEFAULT JUDGMENT

Comes now the Plaintiff in the above styled case and certifies to the Court in compliance with the Uniform Rules of Magistrate Courts 43.1 the following:

1. The defendant I am seeking the default judgment upon is _____.

2. Service on the defendant was perfected on the _____ day of _____, 20_____.

3. Proof of service was filed with the clerk of this court on the _____ day of _____, 20_____.

4. The type of service perfected was ☐ Personal, left with the defendant.
☐ Notorious, left with _____
☐ Corporate, left with _____
☐ Tack & Mail

5. No answer or defensive pleading has been made by the defendant and filed with the Court.

6. Pursuant to the direction of 50 USC § 521 and found on https://scra.dmdc.osd.mil/scra/#/login?returnUrl=%2Fsinglerecord

☐ As Plaintiff, I have been able to ascertain that the Defendant in the above styled action is in military service as a member of the United States Armed Forces. Attached hereto is the record obtained from the United States Department of Defense website in support of this affidavit.

☐ As Plaintiff, I have been able to ascertain that the Defendant in the above styled action is not in military service as a member of the United States Armed Forces. Attached hereto is the record obtained from the United States Department of Defense website in support of this affidavit.

☐ As Plaintiff, I have not been able to ascertain that the Defendant in the above styled action is in military service as a member of the United States Armed Forces. I am unable to ascertain this information due to _____

Under penalty of perjury, I hereby certify the forgoing information is true and correct as of this _____ day of _____, 20_____.

_____
☐ Plaintiff
☐ Agent for Plaintiff
☐ Attorney for the Plaintiff, Bar #_____

Rule 43.1. Default Judgments in Civil Actions

The party seeking entry of a default judgment in any action shall certify to the court the following: the date and type of service effected; that proof of service was filed with the court; the date on which proof of service was filed; and that no defensive pleading has been filed by the defendant as shown by court records. This certificate shall be in writing and must be attached to the proposed default judgment, together with the military affidavit, if required by 50 U.S.C. appx. § 521, when presented to the judge for signature.

§521. Protection of servicemembers against default judgments

(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 Act [sections 501 to 515 and 516 to 596 of this Appendix].

(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, United States Code, 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 202 procedures

A stay of proceedings under subsection (d) shall not be controlled by procedures or requirements under section 202 [section 522 of this Appendix].

(f) Section 202 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 202 [section 522 of this Appendix].

(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 Act [sections 501 to 515 and 516 to 596 of this Appendix], that action shall not impair a right or title acquired by a bona fide purchaser for value under the default judgment.

(Oct. 17, 1940, ch. 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.)

PRIOR PROVISIONS

A prior section 521, act Oct. 17, 1940, ch. 888, art. II, §201, 54 Stat. 1181, related to stay of proceedings where military service affects conduct thereof, prior to the general amendment of this Act by Pub. L. 108–189. See section 522 of this Appendix.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110–181 inserted “, including any child custody proceeding,” after “proceeding”.

Q1: Why am I receiving a Security Certificate error message (Digital Certification Help)?

A: All internet communications between your computer and the DMDC SCRA website are encrypted using SSL standards set by the Department of Defense. Under normal circumstances, web pages are automatically encrypted using a DoD certificate public key, in order to send Privacy Act data in an encrypted form across the Internet. If the certificate is not installed on your computer, you may experience security alerts from your browser.

Most web browsers don't come with the DoD certificates already installed. The best and most secure solution is for the user to install all of the DoD's public certificates in their web browser. That can be done by following the Public Key instructions at http://dodpki.c3pki.chamb.disa.mil/rootca.html. These are the official instructions provided by the Defense Information Systems Agency (DISA), which handles related security matters for the DoD.

For corporations, businesses or individuals with a local systems administrator, we recommend that installation of the DoD certificate be handled at the IT policy level through coordination with your local systems administrator. Once these certificates are installed, your browser should not display security warnings, as the certificate will be recognized by the browser.

You will need to print the Status Report Certifcate from the DoD website and submit it with your Certificate in Support of Default Judgment. Here is an example of a Certificate:

