

**AFFIDAVIT OF IDENTIFICATION**

\_\_\_\_\_ COUNTY, NORTH DAKOTA, SMALL CLAIMS COURT      CASE NO. \_\_\_\_\_

\_\_\_\_\_  
Plaintiff

vs.

AFFIDAVIT OF IDENTIFICATION

\_\_\_\_\_  
Defendant

I, \_\_\_\_\_, declare, under penalty of perjury under the law of North Dakota, that the following information is true and correct; that I am the Affiant, or an authorized representative thereof, in the above entitled action, and that to the best of my knowledge that the name, address, and occupation of the Defendant are as follows (list each Defendant):

Defendant Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Occupation: \_\_\_\_\_

Defendant Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Occupation: \_\_\_\_\_

To the best of my knowledge (*choose one.*)

The Defendant is **NOT** in active military service. I know this because (*select all that apply*):

I have contacted the military services of the United States at the Servicemembers Civil Relief Act website, [scra.dmdc.osd.mil/scra](http://scra.dmdc.osd.mil/scra), and obtained documentation showing the Defendant is not on active duty status. The documentation is attached.

I have personal knowledge of the Defendant's military status (*explain*): \_\_\_\_\_

Other (*explain*): \_\_\_\_\_

The Defendant **IS** in active military service, **BUT** the Defendant is represented by a lawyer in this Small Claims Court case, has not responded to the Claim Affidavit, **AND** the Small Claims Court has not granted a stay.

I **DO NOT KNOW** whether the Defendant is in active military service. I did the following to try to find out (*explain*):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed on this \_\_\_\_\_ day  
of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
Signature of Affiant  
\_\_\_\_\_ County, North Dakota, USA

**FORM 8 – INSTRUCTIONS FOR AFFIDAVIT OF IDENTIFICATION  
AND MILITARY STATUS**

**TO THE PLAINTIFF:**

1. Fill in the Caption (Top) of **Form 8** using your completed **Form 2: Claim Affidavit**:
  - a. County = enter the North Dakota County from the Caption of Form 2.
  - b. Plaintiff = enter the same Plaintiff name(s) from the Caption of Form 2.
  - c. Defendant = enter the same Defendant name(s) from the Caption of Form 2.
  - d. Case No. = Leave blank. If your Small Claims Court Form 2 and Form 8 are accepted for filing, the Clerk of Court will assign a case number.
2. Fill in your full name.
3. List the name, address, and occupation of each Defendant you listed on **Form 2**.
4. Under the federal Servicemembers Civil Relief Act (SCRA), active duty service members have protections against default judgments.

Small Claims Court cases may be decided by default judgment. **You must attempt to find out whether each Defendant is on active duty with the military.** Keep track of the steps you take to find out.

The Servicemembers Civil Relief Act (SCRA) Website, [scra.dmdc.osd.mil/scra](http://scra.dmdc.osd.mil/scra), is a website affiliated with the United States Department of Defense. The SCRA Website allows people to search for active duty service members. The SCRA Website is free to use, however, website users are required to create a user account.

If the Small Claims Court is unable to determine from your affidavit whether the Defendant is in active military service, the Court, before granting a default judgment, may require you to file a bond in an amount approved by the Court. If the Defendant is later found to be in active military service, the bond is used to compensate the Defendant against loss or damage resulting from the default judgment.

Select the appropriate option for the Defendant. If you select an option that requires you to provide an explanation, write or type your explanation in detail.

5. Sign and date **Form 8**.
6. For filing, see the **STEP ONE** instructions for **Form 2**.