

## TABLE OF CONTENTS

<b>I. Introduction .....</b>	<b>1</b>
<b>II. Purpose and History .....</b>	<b>7</b>
A. SSCRA - 1918 .....	10
B. SSCRA - 1940 .....	11
C. SCRA - 2003 .....	12
<b>III. Protected Class .....</b>	<b>15</b>
A. Servicemember as Protected Class .....	17
B. Other Protected Classes .....	19
C. Persons Not Covered .....	21
D. Waiver .....	21
E. Credit Protections .....	22
<b>IV. Procedural Protections .....</b>	<b>23</b>
A. Protection against Default Judgment .....	25
1. Affidavit of Military Status .....	25
a. Requirements .....	25
b. Failure to Submit the Affidavit .....	27
c. Further Investigation Required .....	27
d. False Affidavit .....	28
2. Military Status Unknown .....	28
3. Appointment of Counsel .....	28
4. Vacating a Default Judgment .....	31
B. Stay of Proceedings .....	34
1. Procedures to Invoke the Stay .....	35
2. Showing of Material Effect .....	36
3. Servicemember Co-obligors .....	37
4. Tolling of Statute of Limitations .....	38

- V. Substantive Protections.....41**
- A. Interest on Debts.....43
  - 1. Limitation.....43
  - 2. Obligations Covered.....44
  - 3. Implementation.....45
  - 4. Limitation on the “Limitation”.....47
  - 5. Exceptions.....47
- B. Installment Contracts.....48
  - 1. Agreements Covered.....48
  - 2. Requirements for Provision.....48
  - 3. Protections.....49
  - 4. Penalties and Remedies.....49
- C. Mortgages and Trust Deeds.....51
  - 1. Agreements Covered.....52
  - 2. Actions Barred.....52
  - 3. Stays and Other Remedies.....53
- D. Storage Liens.....54
- E. Lease Obligations.....56
  - 1. Protections from Evictions and Distress.....56
    - a. Protections.....58
    - b. Stay of Execution.....58
    - c. Penalties.....59
  - 2. Termination of Residential or Motor Vehicle Lease.....61
    - a. What Leases Can Be Terminated and When.....61
    - b. How a Lease Is Terminated.....64
    - c. When Termination Is Effective.....65
    - d. Truing-up with the Landlord.....66
    - e. Landlord Relief.....67
    - f. Penalties for Violation.....68

<b>VI. Bankruptcy</b> .....	<b>71</b>
A. Overview of the Types of Consumer Bankruptcy Cases.....	73
1. Chapter 7.....	73
2. Chapter 13.....	74
B. The Means Test.....	75
1. What Does the Means Test Do?.....	75
2. Who Can Challenge Abuse of the Bankruptcy Process?.....	76
3. How Is the Means Test Applied?.....	77
4. How Is the Presumption of Abuse Rebutted?.....	78
C. Disabled Veterans and Servicemembers.....	78
<b>VII. Taxation</b> .....	<b>81</b>
<b>VIII. Anticipatory Relief</b> .....	<b>89</b>
<b>IX. Conclusion</b> .....	<b>93</b>
<b>Appendices</b> .....	<b>97</b>
Appendix A: Servicemembers Civil Relief Act .....	99
Appendix B: Section Index.....	163
Appendix C: Sample Letter to Creditor Requesting Reduction to 6% Interest.....	167
Appendix D: Sample Letter to Landlord Terminating Lease .....	169
Appendix E: Sample Letter to Lessor Terminating Vehicle Lease .....	171
Appendix F: Sample Affidavit of Non-Military Service .....	175