

12 August 2004

SUBJECT: Stay of Proceedings Pursuant to Servicemembers' Civil Relief Act
Creditor vs. XXXXXXXX Soldier , Boone Superior Court II, Cause
No. 06D02-0309-SC01186

Boone Superior Court II
The Honorable James R. Detamore
112 Courthouse, One Courthouse Square
Lebanon, IN 46052

Dear Judge Detamore,

The purpose of this letter is to notify you that Private XXXXXXXXXXXX is on active duty in the Army National Guard. He is currently at Fort Sill Oklahoma for 16 weeks of Basic Training and Advanced Individual Training under 10 USC 672 (d). I have enclosed a copy of the military order placing him on active military duty (Encl. 1). This military order makes it impossible for this soldier to conduct his defense or otherwise to participate in the above entitled legal action currently underway in your court. I have also enclosed a letter from the unit commander explaining why the soldier's current military duty prevents his ability to appear in court and stating that military leave is not presently authorized for the soldier at this time.

Under 50 U.S.C. App. 522, 108 P.L. 189, Section 202, such a proceeding shall be stayed upon an application for stay being made by the soldier or someone on his behalf, unless in the opinion of the Court, the ability of the defendant to conduct his defense is not materially affected by reason of his military service.

Please enter an order of stay for the period of military duty plus 30 days and provide a copy to my office so that I may forward a copy to the soldier. Thank you for your help. Should you need to contact me, I can be reached at (765) 482-6447. My mailing address is Battery C, 2-150FA BN, 801 N. East Street, Lebanon, IN 46052.

Sincerely,

SGT Jacob Strawmyer
Unit Administrative NCO
Btry C 2-150 FA

Encl
As

Encl. 1