

AFFIDAVIT OF DUE EXECUTION

SUPREME COURT OF SOUTH AUSTRALIA
TESTAMENTARY CAUSES JURISDICTION

In the Estate of **[NAME OF DECEASED]** (Deceased)

I, *[full name, address, postcode and occupation of deponent]*, *[swear on oath / do truly and solemnly affirm]* that:

- 1 I am one of the subscribing witnesses to the last will and testament *[and/or codicil]* ("the document") of *[full name of will maker]* late of *[address and postcode]* deceased ("the will maker") *[a copy of the document]* dated *[date]* *[being annexed and marked "A" / the document dated [date] being now produced to me and marked "A"]*.
- 2 The will maker executed the document on the above date *[or on [date]]* by *[signing their name/making their mark]* at the foot or end of the document *[or as the case may be]* as the same now appears on it in the presence of me and of *[full name of other subscribing witness]* the other subscribed witness to the document both of us being present at the same time and we then at the request of the will maker attested and subscribed the document in the will maker's presence.

If the deceased acknowledged their signature to the attesting witnesses, then for paragraph 2 above substitute:

- 2 The will maker executed the document on *[the above date / [date]]* by acknowledging their signature, as the same now appears at the foot or end of the document *[or as the case may be]* to be their signature in the presence of me and of *[full name of other subscribing witness]*, the other subscribed witness to it, both of us being present at the same time, by producing the document to us and pointing to their signature which was clearly visible and saying to us "Will you witness my signature to my will *[or as the case may be]*" and we then in compliance with their request attested and subscribed the document in the deceased's presence.
- 3 Prior to the execution of the document by the will maker, *[I read the document over to the will maker / the document was read over to the will maker by [full name of other subscribing witness] in my presence / the will maker read over the document in my presence / as the case may be]* and the will maker at such time appeared thoroughly to understand the same and to have full knowledge of its contents.

[Sworn / Affirmed] by the abovenamed deponent at *[place and postcode]* on *[date]*.

.....
[signature of deponent]

before me

.....
[signature of authorised witness]
[print name of witness]
[print title of authorised witness]
[ID number of witness]

Form PROB35

Notes

- 1 If the deponent was present when the will was executed but was not a subscribing witness, then use the following Form PROB36.
- 2 If evidence is required to show whether an unauthenticated alteration was present at the time the will was executed, then the following paragraph may be added or substituted (as the case may require):

Having observed the alteration made to the document by the interlineation of the words [*describe exact location of where the words appear on the will*] on the document [*or as the case may be*] I am able to say that those words were written and made in the document prior [*or subsequent*] to its execution [*or that I am unable to say whether those words were written and made prior or subsequently to the execution of the document.*]
- 3 If the deponent is unable to depose to the testator's knowledge of the contents of the will or codicil, the affidavit should be modified to explain the circumstance in which the will or codicil was executed.