

**AFFIDAVIT OF DUE EXECUTION
- DEPONENT PRESENT WHEN WILL
EXECUTED**

SUPREME COURT OF SOUTH AUSTRALIA
TESTAMENTARY CAUSES JURISDICTION

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

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

- 1 I was present at the time of the execution of the last will and testament [and/or codicil] ("the document") of [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 on the first and second pages at the foot and on the last page at the end of the document or as the case may be] as the same now appears on the document in the presence of me and of [full names of both subscribing witnesses as described on the will] the subscribed witnesses to the document ("the subscribed witnesses") all of us being present at the same time and the subscribed witnesses then [if such be the case – at the request of the deceased] attested and subscribed the document in the will maker's presence and in my 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 the will maker by [full name of subscribing witness] in our presence / the will maker read over the document in our presence / as the case may be] and the will maker at such time appeared to thoroughly 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]

Notes

- 1 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] of the document [or as the case may be] I

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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.]

- 2 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.