SUPREME COURT OF QUEENSLAND

REGISTRY: *(Place)*

NUMBER:

In the [Will/Will and Codicil/Estate of] (*name of deceased including any aliases in which assets are held)* deceased

Last address: *(insert last address of deceased)*

[Address in will – if different]: *(insert address in will)*

**Affidavit of due execution of Will/Codicil**

(*Full name of deponent*) of (*residential or business address, or place of employment*), (*occupation or other description*)[[1]](#endnote-1) states on oath [or: solemnly and sincerely affirms and declares]:

I am one of the witnesses who signed the will [or codicil] of the deceased, dated *(date)*, a clear copy of which is exhibit # to this affidavit.

The deceased executed the will [or codicil] on the day it is dated [or on *(date)*] by signing his or her name at the foot or end of the will [or in the testimonium clause (or in the attestation clause)] meaning and intending the same to be his or her final signature to the will [(or codicil)].

The deceased signed the will in my presence and in the presence of *(name)*, the other witness who signed the will, both of us being present at the same time, and we then attested and signed the will [or codicil] in the presence of the deceased and of each other.

The signature appearing on the will is that of the deceased.

(*Insert anything else relevant about the making of the will*).

***If the affidavit extends over more than one page, at the foot of the first and every other page except the last:***

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|  |  |
| --- | --- |
| …………………………………………..  Deponent | …………………………………………..  Witness |

***At the end of the body of the affidavit:***

***[If this affidavit is being sworn in accordance with the Oaths Act 1867 requirements before a special witness (either remotely and/or using electronic signature/s) DO NOT USE the contents below. INSTEAD use Form 001A Special Witness Jurat for Uniform Civil Procedure Rules 1999 forms.] \****

***\*delete instructions***

|  |
| --- |
| **The contents of this affidavit are true, except where they are stated on the basis of information and belief, in which case they are true to the best of my knowledge.**  **I understand that a person who provides a false matter in an affidavit commits an offence.** |

|  |  |  |
| --- | --- | --- |
| **SWORN / AFFIRMED** by    …………………………………….  [insert full name of deponent]  at……………………………….  [insert place where deponent is located] | )  )  )  )  )  )  )  ) | ………………………………….  [signature of deponent]  ………………………………….  [date] |

|  |  |  |
| --- | --- | --- |
| **BEFORE ME:**  …………………………………….  [insert full name of witness]  …………………………………….  [insert type of witness][[2]](#endnote-2)  …………………………………….  [insert witness’s place of employment]\*[[3]](#endnote-3)  \**delete if not applicable* | )  )  )  )  )  )  )  )  )  )  )  ) | ………………………………….  [signature of witness]  ………………………………….  [date] |

[who certifies that the affidavit was read in the presence of the deponent who seemed to understand it, and signified that that person made the affidavit. (*If required: see R. 433(1)*]*.*

[who certifies that the affidavit was read in the presence of the deponent who seemed to understand it, and signified that that person made the affidavit, but was physically incapable of signing it. *(If required: see R.433(2)*]*.*

***The footnotes are to assist in the completion of this form and should be deleted once complete.***

1. If more than one deponent, continue with the name, address and description of each other deponent [↑](#endnote-ref-1)
2. Insert the witness’s capacity that makes them eligible to witness the affidavit under s16A Oaths Act 1867. For example, lawyer, justice of the peace, commissioner for declarations [↑](#endnote-ref-2)
3. For example, the name of the law practice for the lawyer, the name of the government department of the government legal officer, the name of the law practice for a justice of the peace who witnesses documents for a law practice, etc [↑](#endnote-ref-3)