

FORM 74F

AFFIDAVIT OF EXECUTION OF WILL (OR CODICIL*)

THE QUEEN'S BENCH

_____ Centre

IN THE MATTER OF THE WILL AND TESTAMENT OF _____, deceased.

I, _____, of the _____ of _____, in the Province of _____, _____ (occupation), make oath and say:

1. THAT I knew (know) _____ (testator's name), (late) of the _____ of _____ in the Province of Manitoba, _____ (occupation), (deceased).
2. THAT on the _____ day of _____, _____, I was personally present and did see the paper writing hereunto annexed and marked as exhibit "A" to this affidavit, executed by the said (testator's name), as it now appears, as and for (his/her) last will and testament by signing (his/her) name at the foot or end thereof and that at the time of the execution of the will the testator was of the full age of 18 years and, in my opinion, the testator was of sound mind, memory, and understanding at the time of execution of the will.

NOTE: If the will was signed by a third party for and on behalf of the testator at the testator's request, paragraph 2 should read: THAT on the _____ day of _____, _____, I was personally present and did see the paper writing hereunto annexed and marked as exhibit "A" to this affidavit executed by the said _____ (testator's name), as it now appears, as and for (his/her) last will and testament by _____ (name of signor) signing the name of the testator to the will at the request of, and in the presence of, the testator, who was physically unable to sign (his/her) name or make (his/her) mark, at the foot or end thereof and that at the time of the execution of the will the testator was of the full age of 18 years and, in my opinion, the testator was of sound mind, memory and understanding at the time of execution of the will.

3. THAT the will was so executed by the testator in my presence and the presence of _____ (name of other witness) of the _____ of _____ in the Province of Manitoba _____ (occupation), who were both present at the same time; whereupon (he/she) and I did, in the presence of the testator, attest and subscribe the will as witnesses.
4. THAT neither I nor _____ (name of other witness) is a beneficiary, nor the husband or wife of a beneficiary, named in the will (or the contrary, as the case may be).

(Note: complete paragraph 5 only if the will or codicil was executed on or after June 30, 2004.)

5. THAT neither I nor _____ (name of other witness) is a beneficiary, nor the common-law partner, as defined in subsection 12(1) of *The Wills Act*, of a beneficiary, named in the will (or the contrary, as the case may be).

NOTE: Subsection 12(1) of *The Wills Act* defines "common-law partner" as follows:

"**common-law partner**" of a person means

- (a) another person who, with the person, registers a common-law relationship under section 13.1 of *The Vital Statistics Act*, and who is cohabiting with the person, or
- (b) another person who, not being married to the person is cohabiting with him or her in a conjugal relationship of some permanence.

(If the deceased was a marksman or blind, add)

- 6. That prior to the execution of the will by the testator, it was read over to (him/her) by me (or by _____ in my presence), and the testator at that time had a knowledge of its contents and appeared perfectly to understand it.
- 7. That no other copy of the will was executed by the testator.

(Severally) SWORN before me at _____)
the _____ of _____)
in the Province of Manitoba, this _____)
_____ day of _____, _____.)

A _____
in and for the Province of Manitoba.

* (The necessary modifications should be made to this Form if it relates to the execution of a codicil.)