

**IN THE SUPREME COURT OF VICTORIA
IN ITS PROBATE JURISDICTION**

S PRB [*Application No.*]

In the matter of the deceased estate of [*name*]

Application by:

[*Plaintiff's name*]

Plaintiff(s)

AFFIDAVIT OF DUE EXECUTION BY NON-SIGNING WITNESS

Date of document:

Filed on behalf of the Plaintiff

Prepared by: [*name and
address of lodging party*]

Ref: [*solicitors only*]

CODE: [*solicitors only*]

Tel: [*number*]

E-mail: [*e-mail address*]

Guidance for completing this affidavit

This affidavit should be completed by someone who was present when the will was signed but who did not sign the will as a witness.

The affidavit should describe what you personally saw, heard or experienced before, during or immediately after the will was signed.

Only include information that you personally saw, heard or experienced. Do not include information that is based only on what another person told you or information that you assume to be true.

Complete the information requested wherever you see words in square brackets []. Before the document is signed, remove this guidance section and any instructions or examples in the document.

I, [*insert name and address*], [*occupation*] affirm/make oath and say that:

1. I make this affidavit in relation to the will of [*insert name of deceased*] ("the deceased") dated [*date*] ("the will") , a copy of which is now produced and shown to me marked "A".
2. I am not a witness who signed the will, but I was present when the will was signed.
3. The following persons were present when the will was signed:
 - a. myself

- b. the deceased
 - c. *[name of first signing witness]*
 - d. *[name of second signing witness]*
 - e. *[details of any other person or state "no other person was present"]*
4. I personally saw the deceased sign the will, or acknowledge their signature on the will, on *[date]* at *[location]*.
 5. At the time the deceased signed the will, or acknowledged their signature on the will, both *[name of first signing witness]* and *[name of second signing witness]* were present.
 6. I personally saw *[name of first signing witness]* sign the will and, at that time, the deceased was present.
 7. I personally saw *[name of second signing witness]* sign the will and, at that time, the deceased was present.
 8. The following further information is relevant in relation to what I personally observed before, during or immediately after the will was signed, including whether the will was read, explained or translated for the deceased: *[provide details or state "I have no further information to provide"]*.
 9. The facts set out above are matters that I personally saw, heard or experienced.

The contents of this affidavit are true and correct and I make it knowing that a person making a false affidavit may be prosecuted for the offence of perjury.

Sworn/affirmed by
the deponent

at *[place]*
on *[date]*

Before me:

Witness Full Name

Address

Qualification

A person authorised under section 19(1) of the *Oaths and Affirmations Act 2018* to take an affidavit.

**IN THE SUPREME COURT OF VICTORIA
IN ITS PROBATE JURISDICTION**

S PRB [*Application No.*]

In the matter of the deceased estate of [*name*]

Application by:

[*Plaintiff's name*]

Plaintiff(s)

CERTIFICATE IDENTIFYING EXHIBIT

Date of document:

Filed on behalf of the Plaintiff

Prepared by: [*name and
address of lodging party*]

Ref: [*solicitors only*]

CODE: [*solicitors only*]

Tel: [*number*]

E-mail: [*e-mail address*]

This is the exhibit marked "A" now produced and shown to [*insert name*] at the time of swearing/affirming their affidavit on [*insert date*]:

.....
[Signature of authorised witness]

.....
[Signature of deponent]

Exhibit "A"

Copy of the will