

**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 EVIDENCE AS TO PREPARATION OF THE WILL

Date of document:

Filed on behalf of the Plaintiff

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

Ref: [*solicitors only*]

CODE: [*solicitors only*]

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

Tel: [*number*]

Guidance for completing this affidavit

This affidavit should be completed by the person who prepared the will. It should explain how the will was prepared and signed.

Focus on what you personally saw, heard or experienced. Do not give your opinion about whether the will is valid. Do not include information that is based only on what another person told you or information that you assume to be true. Give specific examples and dates if you can.

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.

If you cannot provide information about a particular matter from your own personal knowledge, state that you cannot provide evidence about that matter and explain why, if known.

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

1. I am a [*insert relationship to deceased, e.g. friend, neighbour, niece*] of [*insert full name of the deceased*] ("the deceased").
2. I prepared the will dated [*date*] ("the will") for the deceased, a copy of which is now produced and shown to me marked "A".
3. **Preparation of the will:** The will was prepared in the following circumstances:

- (a) The idea of preparing the will was first raised by *[provide details]*.
 - (b) I had the following discussions with the deceased about preparing the will: *[provide details]*.
 - (c) The deceased gave me the following instructions about who should benefit under the will and who should be appointed executor: *[provide details]*.
 - (d) Those discussions took place at *[location]* on or about *[date(s)]*.
 - (e) The following beneficiaries, family members or other persons were involved in, or present during, discussions about the preparation of the will: *[provide details including the relationship to the deceased or state "none"]*.
 - (f) The will was physically *[written/typed]* by *[provide details]* and completed on or about *[date]*.
 - (g) During discussions about the will, I personally observed the following suggestions being made by other people and the following response from the deceased: *[provide details or state "I did not observe any suggestions being made"]*.
4. **The role I played in preparing the will:** The following matters describe my involvement in preparing the will:
- (a) The deceased asked me to prepare the will in the following circumstances: *[provide details]*.
 - (b) I provided the following suggestions, comments or assistance concerning the contents of the will and the deceased responded as follows: *[provide details or state "I did not make any suggestions concerning the contents of the will"]*.
 - (c) The following benefit (if any) was given to me, my partner or a member of my immediate family under the will: *[provide details or state "Neither I, my partner or a member of my immediate family benefit under the will"]*.
5. **The deceased's knowledge and approval of the contents of the will:** The following matters are relevant to whether the deceased knew and approved the contents of the will:
- (a) Before signing the will, the deceased *[read/did not read]* the will. *[Provide details]*.
 - (b) The will *[was/was not]* read aloud to the deceased. *[Provide details]*.
 - (c) I had the following discussions with the deceased about reviewing and confirming the contents of the will: *[provide details]*.

(d) The deceased made the following corrections, amendments or comments about the will: *[provide details or state "none"]*.

(e) The deceased said or did the following things which indicated that the contents of the will reflected their wishes and decisions: *[provide details]*

6. **Circumstances in which the will was signed:** The will was signed in the following circumstances:

(a) The will was signed at *[location]* on *[date]*. *[provide details or state "I was not present when the will was signed"]*.

(b) The following persons were present when the will was signed: *[provide details including the relationship to the deceased or state "I was not present when the will was signed"]*.

(c) Before signing the will, the deceased reviewed the will in the following way: *[provide details or state "none" or "I was not present when the will was signed"]*.

(d) While reviewing or signing the will, the deceased said the following things about the contents of the will: *[provide details or state "nothing was said" or "I was not present when the will was signed"]*.

7. 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.

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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