

Information about swearing/affirming affidavits



1. Affidavits in support of your application

If you are applying for Probate or Administration without the assistance of a solicitor, the affidavits to be filed in support of your application must be sworn or affirmed before a person authorised to take an oath or affirmation.

It is preferable that the affidavits are witnessed by one of our authorised witnesses on the day you file your application.

If you have the affidavits witnessed elsewhere then ensure the person receiving your affidavit is authorised to do so. Justices of the Peace are able to receive affidavits in all States and Territories of Australia. For a full list of authorised witnesses in Victoria, please [click here](#).

2. Definitions of commonly used terms:

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| Deponent | The Deponent is the person that is swearing/affirming the affidavit. |
| Exhibits | The content of an affidavit may refer to other documents as 'exhibits'. The exhibits will usually be marked with letters or numbers so that they can be identified (A, B and C for example). The exhibits must be present at the time the affidavit is witnessed. Please see below regarding exhibit notes. |
| Oath | An oath is a spoken promise to tell the truth. An oath is generally made on a religious text. |
| Affirmation | An affirmation is a spoken formal declaration, but is made where the deponent objects to taking the oath, or the oath is contrary to the deponents religious beliefs. |
| Jurat | The jurat is the certification at the end of the affidavit that states where and when the affidavit was sworn and before whom it was witnessed. Please see below for information about where the witness to the affidavit should sign. |

3. Where should the witness sign the affidavit?

The witness to the affidavit should complete the place and date the affidavit was witnessed within the jurat which appears at the bottom of the affidavit. The witness should also sign each page of the affidavit and any exhibit notes (see below).

4. What is an exhibit note?

An exhibit note is written on a document to confirm that is the document that was referred to by the deponent in their affidavit, and was present at the time the affidavit was witnessed. Every exhibit referred to in an affidavit should be endorsed with an exhibit note, which is signed by the person witnessing the affidavit. There must be an exhibit note on the original will, the copy death certificate and the inventory of assets and liabilities. An exhibit note can be typed, stamped or handwritten on the exhibit. Exhibit notes should be as follows:

This is the exhibit marked (A/B/C)
now produced and shown to (Deponent's full name)
at the time of swearing/affirming their affidavit on
(Date affidavit witnessed)

Before me: _____
Witness Full name
Address
Qualification

Please note that the 'Affidavit of Publication of Notice and Searches' must be signed and witnessed on the day your application is lodged at the Probate Office.