

FORM 74D

THE KING'S BENCH

_____ Centre

AFFIDAVIT OF EXECUTION

IN THE MATTER OF THE WILL AND TESTAMENT OF _____
(name of testator)

I, _____, of _____, _____,
(city/town) *(province/territory)*
make oath and say:

1. THAT I (know/knew) _____
(name of testator)

2. THAT on _____, I was personally present and did see the document
(date)
marked as exhibit "A" to this affidavit, executed by _____
(name of testator)

as their last will by signing their name or making their mark at the end of the document 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 _____, I was personally present and did see the document
(date)
marked as exhibit "A" to this affidavit signed by _____,
(name of signor)
as the last will of _____ by signing the name of the
(name of testator)
testator to the will at the request of, and in the presence of, the testator, who was physically unable to sign their name or make their mark at end of that document 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 or marked by the testator with the assistance of another person, paragraph 2 should read:

THAT on _____, I was personally present and did see the document
(date)
 marked as exhibit "A" to this affidavit, executed by _____,
(name of testator)
 as their last will by signing their name or making their mark at the end of the document with
 the assistance of _____. The testator requested the
(name of person who provided assistance)
 assistance of this person to sign or mark the will. 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 executed by the testator in my presence and the presence of
 _____ of _____,
(name of other witness) (city/town) (province/territory)
 who were both present at the same time; whereupon we, in the presence of the testator, attest
 and subscribe the will as witnesses.

4. THAT neither I nor _____ is a beneficiary,
(name of other witness)
 nor the spouse 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 _____ is a beneficiary,
(name of other witness)
 nor the common-law partner 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 testator was unable to read the will, add)

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

Sworn (or Affirmed) before me
in _____, Manitoba
this ___ day of _____, _____.

A Notary Public/Commissioner for
Oaths in and for the Province of
Manitoba.

My Commission expires_____.

Signature of Deponent

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