**THE KING'S BENCH**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Centre**

##### AFFIDAVIT PROVING HOLOGRAPH WILL

IN THE ESTATE OF \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

I, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_ MAKE OATH AND SAY:

*(name of deponent) (city/town) (province/territory)*

1. That I was (a/the) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, of the deceased, who died on or about

*(state how deceased was known to deponent)*

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and I am familiar with their handwriting and signature as I have known the

*(date of death)*

deceased for \_\_\_\_\_\_\_\_\_\_\_\_\_ years prior to their death and during that time I have become familiar

*(number of years)*

with their handwriting and signature.

1. That I have carefully examined the handwriting and signature of the Will dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,

*(date of will)*

which is marked as Exhibit “A” to this Affidavit and purporting to be handwritten and signed by the deceased, and I verily believe that the handwriting and signature subscribed to the Will is the handwriting and signature of the deceased.

1. That on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the date on which the Will was signed, the deceased was of the full

*(date of will)*

age of eighteen years and appeared to be of sound mind, memory and understanding.

1. That I am not a beneficiary or the spouse of a beneficiary under the Will of the deceased.

|  |
| --- |
| *If the Will was executed on or after June 30, 2004, read the note below and include paragraph 5.*  Subsection 12(1) of the Wills Act defines “common law partner” as follows:  “common law partner” of a person means   1. 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 2. another person who, not being married to the person, is cohabiting with him or her in a conjugal relationship of some permanence. |

1. That I am not a beneficiary, nor the common law partner (as defined in subsection 12(1) of *The Wills Act*) of a beneficiary named in the Will.

Sworn (or Affirmed) before me at the

\_\_\_\_\_\_\_\_\_\_\_ of\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

in the Province of Manitoba,

this \_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature of Deponent

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Commissioner for Oaths in and for the

Province of Manitoba

My Commission Expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*(This is a precedent and may be modified as required)*