AFFIDAVIT OF EXECUTION

An **affidavit of execution** is a sworn statement made by one of the witnesses to your will. When they sign it, they are confirming that they saw you sign your will on a certain date and that you signed it in front of both witnesses.

Arrange for one of your witnesses to swear an affidavit of execution. One of the witnesses must sign the affidavit in front of a lawyer or notary. This can be done in person or remotely through a lawyer. This can be done at any time after you sign your will. But it is best to do it right away, because witnesses might move away or die before you after the will is signed. Once the affidavit of execution is complete, keep it with your will.

Lawyers and notaries will generally charge a fee for this service in the range of $40 to $60. You can call law firms near you to make an appointment for the witness and to find out the cost. If you cannot pay a lawyer or notary you can try Nova Scotia Legal Aid.

After you die, your executor can use the affidavit at Probate Court to show that the will was properly signed and witnessed. If no affidavit of execution has been done by the time of your death, your executor will have to find one of your witnesses and have the witness swear an affidavit then. There may be added costs, and this will take extra time.

Tip: If your will has been properly signed, dated, and witnessed, it is still valid even if you cannot arrange for one of your witnesses to do an affidavit of execution right away.

A beneficiary or the spouse of a beneficiary cannot be a witness to a will.

Affidavit of Execution of Will

I _____[name of witness], of _____ [place, for example, Halifax], Nova Scotia, Canada, swear:

1. On _____[day, month, year], I saw _____[name of testator] sign the will attached to this affidavit.

2. _____ [Name of testator] signed the will in front of me and _____[name of second witness] of _____ [place], Nova Scotia, Canada. We were both present at the same time, and we signed the will in the testator's presence as witnesses.

Sworn before me at _____,)
in the County of _____,)
Nova Scotia, on)
_____, 20___)

_____
Signature of witness

_____
A Barrister of the Supreme Court of Nova Scotia, notary public, Registrar of probate or Deputy registrar of probate

A beneficiary or the spouse of a beneficiary cannot be a witness to a will.

Affidavit of Execution of Will
(Testator blind or signed by making their mark)

I _____[name of witness], of _____ [place, for example, Halifax] Nova Scotia, Canada, swear:

1. On _____[month and day, year], I was present and saw the will attached to this affidavit executed

by _____[name of testator].

2. _____[name of testator] executed the document in the

presence of me and _____[name of second witness] of

_____ [place] Nova Scotia, Canada. We were both present at the same time, and signed the document in the testator's presence as attesting witnesses.

3. Before its execution, the document was read over to

_____ [name of testator], who

_____ [was blind/signed by making their mark, as applicable].

_____[name of testator] indicated that they understood the contents.

Sworn before me at _____,)
)
in the County of _____,)
Province of Nova Scotia, on)
)
_____, 20___)
)
)
_____) _____
A Barrister of the Supreme Court of Nova Scotia, Notary Public, Registrar of Probate or Deputy Registrar of Probate

Signature of witness

A beneficiary or the spouse of a beneficiary cannot be a witness to a will.