

Affidavit of Execution

(version 2)



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 at the same time. There is another type of affidavit within the Probate Forms called *Affidavit Explaining Circumstances*. This is for people who completed a Will and Affidavit of Execution previously but need to clarify the signing process.

One of your witnesses signs an affidavit of execution, you do not. Arrange for one of your witnesses to swear the affidavit of execution in front of a lawyer, notary or commissioner of oaths. Use the fillable PDF below, follow the pop-up instructions to fill it in, then print it. The witness who is swearing the affidavit must not sign it until they are in front of a lawyer or notary. This should be done in person. 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.

There are two versions of the affidavit. This is Version 2. Use this version if the testator was blind/could not read the will/signed the will by making their mark. Otherwise, use Version 1.

Lawyers, notaries and some commissioner of oaths will generally charge a fee for this service in the range of \$40 to \$75. 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, notary or commissioner of oaths, you can try your nearest Probate Court or [Nova Scotia Legal Aid](#).

Once the affidavit of execution is complete, keep it with your will. After you die, your executor will use the affidavit at **Probate Court** to show that the will was properly signed and witnessed. If no affidavit of execution has been done before your death, your executor needs to either find one of your witnesses and have the witness swear an affidavit then, or complete their own affidavit explaining their unsuccessful search for either witness.



TIP: If your will has been properly signed, dated, and witnessed – it is valid. You will need an affidavit of execution, or something similar, if your estate will be probated.

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

Form 2

Probate District:

Probate Court File No:

**Affidavit of Execution of Will or Codicil
(S. 11(1))**

I, _____,
of _____,

make oath/affirm and say:

1. On _____, I was present and saw the Will executed by
_____ that is attached to this affidavit and marked Exhibit "A".

2. _____ executed the document in the presence of me
and _____.

We were both present at the same time, and signed the document in the testat(or)(rix)'s presence as
attesting witnesses.

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

The _____ indicated that they understood the contents.

Sworn/affirmed before me at
in the County of
Province of Nova Scotia, on

,)
,)
.)
)
)
)

A Barrister of the Supreme Court of Nova Scotia,)
Commissioner of Oaths in and for the Province of Nova Scotia,)
Notary Public in and for the Province of Nova Scotia,)
Registrar of Probate or Deputy Registrar of Probate)

Warning: A beneficiary or the spouse of a beneficiary cannot be a witness to a Will.

This is Exhibit _____ referred to

in the affidavit of _____

(sworn/affirmed) before me

on _____.

Signature

Official authority