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| FORM 26 | | | |
| AFFIDAVIT OF DUE EXECUTION | | | |
| Rule 46 | | | |
| IN THE SUPREME COURT OF TASMANIA | | | |
| PROBATE REGISTRY | | | |
|  | | | |
| In the matter of the Estate of: | | FULL NAME  *[full name of deceased including, in brackets, “in the Will called…” and/or “also known as…” if the name of the deceased differs in the Will or if the deceased is known by any other name]* | |
| Date of death: | | 00/00/0000 | |
| Last known residential address of deceased: | | address  *[full address of the deceased including, in brackets, “in the Record of Death noted as…” if the address of the deceased differs in the Record of Death]* | |
| I, | |  | |
| Full name of deponent: | | FULL NAME | |
| Address of deponent: | | address | |
| \*make oath and say/\*do solemnly and sincerely declare and affirm: | | | |
| 1. | ………………………………………………………………………………………………… | | |
| 2. | ………………………………………………………………………………………………..  *[insert contents of affidavit, setting out details of the deponent(s) knowledge of the execution of the Will, following the guidance given in the notes at the end of this form]* | | |
| \*SWORN/\*AFFIRMED by | | FULL NAME | |
| at SUBURB OR TOWN in STATE | |  | |
| dated 00/00/000 | | ……………………………………………………. | |
| Before me: | | …………………………………………………….  FULL NAME  \*SOLICITOR/\*JUSTICE OF THE PEACE | |
| NOTES: | | | |
| Please insert details relevant to your application where blue text appears. | | | |
| Text with a \* next to it indicates that it is an option. You must select the applicable option/s and/or delete the \*options which are not applicable | | | |
| If a section of the form does not apply to your application please simply state “not applicable” next to the relevant section. | | | |
| Guidance on completing this form is contained in [square brackets] and *italics*. Please delete the guidance which appears in square brackets and is italicized from your final draft. | | | |
| Otherwise, please do not amend the format or content of this form. | | | |
| TAKE NOTE:  Please refer to Rule 46 when completing this affidavit. Your affidavit should:   1. Confirm who you are. For example: “I am one of the attesting witnesses to the last Will and Testament of the deceased, bearing the date 00/00/0000 now produced to me and marked “A”; 2. Set out the circumstances surrounding the signing of the Will. For example: “I recall witnessing the Will at the deceased’s house on the 00/00/0000; The testator was present, as was witness X. The Will consisted of ten pages. The testator, witness X and I initialled the bottom of each page and then signed the last page. The testator wrote the date and my details and witness X’s details on the final page of the Will…” 3. Prove due execution. For example: “That the said deceased executed the said Will on the 00/00/000 by signing \*his/\*her name at the foot or end of the said Will, as the same now appears on the said Will, in the presence of me and the other subscribing witness, (witness X) both of us being present at the same time and we thereupon attested and subscribed the said Will in the presence of the deceased”. | | | |