

# Affidavit exhibiting Original Will Information Sheet

On and after April 1, 2024, the original Will must be attached and marked as an exhibit to an affidavit when it is filed at the Probate Court. This means that the original will may be filed in one of the following ways:

- ☐ **Form 2 – Affidavit of Execution of Will or Codicil:** If **Form 2** was not completed before April 1, 2024, the original will is attached to it and marked as Exhibit “A”.
- ☐ **Form 2A – Affidavit Proving Execution of Holograph Will:** If **Form 2A** was not completed before April 1, 2024, the original will is attached to it and marked as Exhibit “A”.
- ☐ **Other affidavit proving due execution of the will:** If neither **Form 2** nor **Form 2A** can be completed, and either:
  - (a) an affidavit attesting to the authenticity of the signature of the deceased and the signature of either of the subscribing witnesses; or
  - (b) an affidavit from any person present at the execution of the will who can attest to the circumstances of the execution of the will

can be completed, but this was not done before April 1, 2024, the original will is attached to the applicable affidavit and marked as Exhibit “A”.

- ☐ **Affidavit explaining Circumstances** (*non-mandatory template*):
  - If **Form 2** or **Form 2A** was completed before April 1, 2024, and does not have the original will marked and attached as an exhibit, then the **Affidavit explaining Circumstances** may be used:
    - The original will is attached and marked as Exhibit “A”
    - **Form 2** is attached and marked as Exhibit “B”
  - If neither **Form 2** nor **Form 2A** can be filed, but another affidavit proving due execution of the will (described above) was completed before April 1, 2024, that does not have the original will attached as an exhibit, then the **Affidavit explaining Circumstances** may be used:
    - The original will is attached and marked as Exhibit “A”
    - The applicable affidavit is attached and marked as Exhibit “B”
  - If the wording of the **Affidavit explaining Circumstances** template does not fit the circumstances that need to be addressed by affidavit, contact Probate Court for clarification before filing.

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## To mark the original will as an exhibit

Folding the bottom right-hand corner of the first page up, so that the exhibit stamp can be placed on the back of the first page of the original will in the triangle that is created, is appropriate. There is no requirement to place the exhibit stamp on the back of the last page.