|  |
| --- |
| FORM 74E |
| *Courts of Justice Act* |
| ONTARIO |
| **SUPERIOR COURT OF JUSTICE** |
| IN THE ESTATE OF *(insert name),* deceased. |

AFFIDAVIT OF CONDITION OF WILL OR CODICIL

I, *(insert name),* of *(insert city or town and county, district, or regional municipality of residence),* make oath and say/affirm:

1. On *(insert date),* I was present and saw the document marked as Exhibit “A” to this affidavit executed by the deceased*.*
2. *(Insert name)* executed the document in my presence and in the presence of *(insert name of other witness and city or town, county, district, or regional municipality of residence).*

*(Insert either paragraph 3 or 4 below if both witnesses were present when each signed (in addition to the testator whose presence is required).)*

1. *(Insert name of other witness)* and I were both physically present at the same time and signed the document in the testator's presence *(insert by video conference, if applicable)* as attesting witnesses.

OR

1. *(Insert name of other witness)* was in my presence by video conference and in the presence of the testator by video conference when I signed the document as an attesting witness.
2. The following alterations, erasures, obliterations or interlineations that have not been attested appear in the document: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

1. The document is now in the same condition as when it was executed *(if not applicable, explain:* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*)*.

*(Insert paragraph 7 if the Will was signed remotely.)*

1. I am a *(insert “lawyer” or “paralegal”)* licensed by the Law Society of Ontario.

Sworn or Affirmed before me:  in person OR  by video conference

***Complete if affidavit is being sworn or affirmed in person:***

by *(insert name of deponent)* at the *(City, Town, etc.)* of *(insert name of city, town, etc.)* in the *(County, Regional Municipality, etc.)* of *(insert name of County, Regional Municipality, etc.)*, before me on *(insert date)*.

*Use one of the following if affidavit is being sworn or affirmed by video conference:*

***Complete if deponent and commissioner are in same city or town:***

by *(insert name of deponent)* at the *(City, Town, etc.)* of *(insert name of city, town, etc.)* in the *(County, Regional Municipality, etc.)* of *(insert name of County, Regional Municipality, etc.)*, before me on *(insert date)* in accordance with [O. Reg. 431/20](https://www.ontario.ca/laws/regulation/r20431), Administering Oath or Declaration Remotely.

***Complete if deponent and commissioner are not in same city or town:***

by *(insert name of deponent)* at the *(City, Town, etc.)* of *(insert name of city, town, etc.)* in the *(County, Regional Municipality, etc.)* of *(insert name of County, Regional Municipality, etc.)*, before me at the *(City, Town, etc.)* of *(insert name of city, town, etc.)* in the *(County, Regional Municipality, etc.)* of *(insert name of County, Regional Municipality, etc.)*, on *(insert date)* in accordance with [O. Reg. 431/20](https://www.ontario.ca/laws/regulation/r20431), Administering Oath or Declaration Remotely.

|  |  |  |
| --- | --- | --- |
|  |  |  |
| Signature of Commissioner | | Signature of Deponent |

RCP-E 74E (February 1, 2022)