

*Form 13 – Attesting Witness Affidavit*

*Attorney's Name  
Bar Number  
Address  
Phone Number  
Fax Number  
Email Address*

REPUBLIC OF TRINIDAD AND TOBAGO

IN THE ESTATE OF

*NAME OF DECEASED*

*(INCLUDE ALL NAMES BY WHICH THE DECEASED WAS KNOWN)*

(DECEASED)

late of

(Address (use last place of abode)

Deceased

I (*Name<sup>1</sup>, occupation/marital status*) of (*address of Attesting witness*) in the Island of Trinidad, make oath and say as follows:

1. I was personally present on the (*date of signing of will*) together with (*name and address of other attesting witness<sup>2</sup>*), both of us being persons over fifteen years of age, at the (*residence or office of (name of person) and address where the will was executed*) and did then and there see and hear the said (*name of testator*) sign and publish his Will which said Will is hereto annexed and marked "A".<sup>3</sup>

Or

I was personally present on the (*date of signing of will*) together with (*name and address of other attesting witness<sup>4</sup>*), both of us being persons over fifteen years of age, at the (*residence or office of (name of person) and address where the will was executed*) and did then and there see and hear the said (*name of testator*) affix his (*left or right thumb print or X mark*) to his Will which said Will is hereto annexed and marked "A".

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<sup>1</sup> Where the name of the witness is different to the name on the will, the name on the will is also to be referred to, e.g. Jane Smith formerly Jane Doe. Where a person has a different name, a paragraph should be included accounting for the difference in the name.

<sup>2</sup> All persons signing the will are to be named and accounted for.

<sup>3</sup> The Original Will is annexed to the affidavit of the attesting witness pursuant to Rule 3 (1) (b). Where the attesting witnesses cannot be found, the Original Will shall be annexed to the affidavit of the Applicant with copies of the will annexed to any affidavit of signature filed in support.

<sup>4</sup> All persons signing the will are to be named and accounted for.

THIS FORM IS A GUIDE. IT DOES NOT REPLACE THE FORMS IN THE WILLS AND PROBATE ACT

2. I and the said (*name of other attesting witness*) then and there together signed and attested the said Will as witnesses to the signing and publishing thereof by the said (*name of testator*) in his presence and in the presence of each other.

3. The signature<sup>5</sup> (*description of signature*)<sup>6</sup> at the foot of the said Will at page ... is of the true handwriting of the said (*name of testator*) deceased.

Or

The (*Right/Left<sup>7</sup> thumb print or X mark*) at the foot of the said Will at Page ... is the true (*left or right thumb print or X mark*) of the said (*name of testator*).

4. The said deceased was at the time of his death of the age of (*age at death – see death certificate*) or thereabouts.

5. The signatures (*description of the signature of the deponent and other attesting witness*)<sup>8</sup> to the said Will subscribed as those of the witnesses attesting the signing and publishing thereof by the said (*name of testator*) are of the true handwriting of me this deponent and the said (*name of other attesting witness*) respectively.

6. <sup>9</sup>The signature of the testator to the said Will was then and there written by the hand of (*name of person signing on behalf of testator*) in our presence by the direction of the testator, and was acknowledged by the said testator in the presence of me this deponent and of other attesting witness the testator being unable to write his own name owing to (*reason testator is unable to sign to be included*) and previously thereto the Will was read over to the testator in my presence and the testator understood the same and approved it.

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<sup>5</sup> Please note the inclusion of the word “of” transforms the sentence and is no longer a description. The Word “of” should at no time be included following the word “signature”.

<sup>6</sup> All efforts should be made to describe the signature of the testator as accurately as possible having regard to what is actually signed by the testator, e.g. Joe Smith signs “JSmith” – the description should be recorded as “JSmith” and not “Joe Smith”. Similarly if he signs “JoeS” it should be so recorded. It is however noted that some signatures are more complex than others and due regard will be given to these matters.

<sup>7</sup> Where the testator prints both his right and left thumb print and/or includes a mark e.g. X, you must account for which print or mark is the last mark of the testator.

<sup>8</sup> Signatures of the attesting witnesses should be described as accurately as possible having regard to what was actually signed by the witnesses.

<sup>9</sup> This paragraph is only to be included where someone signs on behalf of the testator. Where the testator signs for himself, it is to be struck out.

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7. <sup>10</sup>*Prior to the execution of the said will by the said testator, the same was read over to him by me (or by [name of person reading the will to testator] in my presence, or [by himself in my presence]<sup>11</sup>) and at such time he seemed thoroughly to understand the same and approved it.*

SWORN to at *Place sworn* )

) Attesting witness signature

)

This day of \_\_\_\_\_ 20 \_\_\_\_ . )

Before me,

Commissioner of Affidavits<sup>12</sup>

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<sup>10</sup> This paragraph is to be included in all cases where a testator signs by X mark or affixes his thumb print.

<sup>11</sup> There are cases where a testator may be literate but unable to sign his name due to feebleness and therefore signs by X mark or has an imperfect or badly written signature. In these cases, this paragraph must be included to satisfy the court that the testator understood the contents and approved same.

<sup>12</sup> Please note the Commissioner of Affidavits is to sign, date and stamp all exhibits according to the exhibit numbers as set out in the affidavit. The Commissioner of Affidavits is also to initial all insertions and corrections made to every document filed.