

Using This Revisable PDF Form

1. Copies – original to witness then to court.
2. Prepared by
 - a. First page – Data Element Nos. 1, 2, 4 and 6 are completed by clerk or person taking deposition.
 - b. First page – Data Element No. 7 is completed by the witness.
 - c. Second page – Data Element Nos. 1 and 2 are completed by the witness.
 - d. Second page – Remaining Data Elements are completed by the person taking the deposition and, if required, person authenticating signature of person taking the deposition.
3. Attachments – copy of will.
4. Preparation details
 - a. Data Element No. 6 – Clerk or person taking deposition is to enter the page number of the attached will on which the witness’s signature is displayed.
 - b. Data Element Nos. 10 and 11 – Under Rule 4:3 of the Rules of the Supreme Court of Virginia, if a person taking a deposition outside of Virginia does not have a seal, an official who has a seal must authenticate the signature of the person taking the deposition. If a commissioned officer in the U.S. military took the deposition, the commanding officer of the installation or ship must authenticate the officer’s signature. In this instance, no seal is required.

**DEPOSITION OF WITNESS TO WILL
WITHOUT SELF-PROVING CLAUSE**

COMMONWEALTH OF VIRGINIA
VA. CODE §§ 8.01-420.4; 17.1-270; 64.2-401, 64.2-403, 64.2-447;
Rule 4:2, Rule 4:3, Rule 4:5, Rule 4:6

..... **1** Testator (Decedent)

..... **2** Deponent

After being duly sworn, the deponent says as follows:

1. State your name, age, and residence address. **3**

2. Attached hereto is a copy of a writing dated **4**
purporting to be the Last Will and Testament of the decedent and purporting to be signed by the decedent and
witnessed by you and **5**

NAME(S) OF OTHER WITNESSES

a. Is this your signature on page **6** ? **Ans.**

3. a. Did the decedent sign this paper in your presence and in the presence of other witness(es), with all of you together at the same time? **Ans.**

b. (Ask 3b. only if the answer to 3a. is "No")
Did the decedent acknowledge the signature, which was not made in your presence, to be his or her signature, in the presence of you and the other witness(es), with all of you together at the same time? **Ans.**

c. (Ask 3c. only if the answer to 3b. is "No")
Did someone else, and if so, what person, make the decedent's signature for him or her, at the decedent's direction, with you and the other witness(es) all together at the same time? **Ans.**

d. (Ask 3d. only if the answer to 3c. is "No")
Did the decedent acknowledge that his or her signature had been made at his or her direction by some other person, and if so, what other person, with you, the decedent, and the other witness(es) all together at the same time when the decedent made that acknowledgment? **Ans.**

e. (Ask 3e. only if the answer to 3d. is "No")
Did the decedent acknowledge this paper to be his or her act in the presence of you and the other witness(es), with all of you together at the same time? **Ans.**

4. Was the decedent of sound and disposing mind, memory and understanding and of 18 years of age or older at the time he or she signed the will or acknowledged the signature or act? **Ans.**

5. a. Did the decedent request that you and the other witness(es) sign this paper as witness(es)? **Ans.**

b. (Ask 5b. only if the answer to 5a. is "No")
Did someone else, and, if so, what person, ask that you and the other witness(es) sign this paper in the presence of the decedent? **Ans.**

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Data Elements, page one

To be completed by clerk or person taking the deposition:

1. Name of decedent.
2. Name of deponent (person testifying that the facts are true).

3. Name, age and address of the deponent.

To be completed by clerk or person taking the deposition:

4. Date of attached writing (will).
5. Name(s) of other witnesses (other than deponent) who signed the writing.
6. Page on which deponent is asked to verify his/her signature. See Using This Form, 4(a).

7. Deponent answers “yes” or “no” to questions 3a through 5b.

- 1 { 6. Did you and the other witness(es) sign this paper in the presence of the decedent? **Ans.**
 7. Do you know of any other will of the decedent? **Ans.**
 8. Did the decedent execute this will freely and voluntarily as his or her last will and testament? **Ans.**

2

 SIGNATURE OF DEPONENT

3

 CITY; COUNTY; STATE; TERRITORY; PROVINCE; COUNTY

State/Commonwealth of [] City [] County of

The foregoing instrument was acknowledged before me this day of, 20

by
NAME

for the purpose of filing or reading as evidence in the matter of the probate of the will of the testator named above. I am:

- 4 { [] authorized to administer oaths (depositions taken in Virginia).
 [] authorized to take depositions in the jurisdiction where the deponent is (depositions in U.S., outside Virginia).
 [] otherwise authorized under Rule 4:3 of the Supreme Court of Virginia to take this deposition.

Given under my hand and seal.

5

 DATE

6

 SIGNATURE

7

 [] CLERK [] DEPUTY CLERK [] NOTARY PUBLIC

My commission expires **8**

Registration No. **9**

.....
 DATE

10

 COURT, IF DEPOSITIONS TAKEN THEREIN

Seal (where required)

I certify that the signature of the person who took the
 Above deposition is genuine.
 My seal is affixed.

11

 AUTHENTICATING SIGNATURE WHERE REQUIRED

12

 TITLE

\$ **13**
 FEE

14
 PERSON TO WHOM FEE CHARGED

15
 PERSON PAYING FEE, IF PAID

See Rule 4:3, Supreme Court of Virginia: Depositions taken in Virginia do not require a seal. If a person taking a deposition outside Virginia does not have a seal, an official who has a seal must authenticate that person's signature. U.S. military: A commissioned officer may take a deposition; his or her signature must be authenticated by the commanding officer of the installation or ship: no seal is required.

Data Elements, page two

1. Deponent says “yes” or “no” to questions 6 and 7.
2. Signature of deponent.

To be completed by the person taking the deposition and/or person authenticating the signature of the person taking the deposition:

3. Location where deposition of deponent is taken.
4. Person authorized to take depositions is to check applicable box.
5. Date deposition is taken.
6. Signature of person who took deposition if other than clerk, deputy clerk or notary.
7. Signature of clerk, deputy clerk or notary who took deposition. Check appropriate title box.
8. Date notary public’s commission expires.
9. Notary public’s registration number.
10. Court name if deposition taken at court.
11. Signature of person authenticating signature of person who took deposition. See Using This Form, 4(b).
12. Title of person authenticating signature of person who took deposition.
13. Fee charged by person certifying deposition, if applicable.
14. Name of person who charged the fee, if applicable.
15. Name of person who paid the fee, if applicable.