File note for witnessing a will by audio video link

EVERYTHING MUST BE DONE ON THE SAME DAY

| Date: | Start time: | End time: | | File no.: | |
|--|--------------------|---------------|-----------------------------|--------------|--|
| Audio visual conference platform | | | | | |
| Practitioner's name | | | | | |
| Testator's name | | | | | |
| Location of testator during the audio visual conference | | | | | |
| Name, residential address and | | | Location during conference: | audio visual | |
| contact number of other witness | | | □ with testate | or | |
| | | | with practit | ioner | |
| | | | on video co | onference | |
| The will | [document descript | ion and docum | nent number if availa | able] | |
| How verification of identity performed Testator is well known to me and recognisable by sight on the audio visual link or Testator's identity was confirmed by | | | | | |
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How will was delivered to testator

| The | e will was sent to the testator by: | |
|------|---|----------------|
| | Email address to the testator at email address: | on |
| | By ordinary post addressed to testator at | |
| | | [address] |
| | Hand delivery by at | |
| | | [address] |
| | | [other] |
| Th | ne testator's environment and demeanour | |
| | I asked the testator whether anyone was in the room with ther nearby. | m or otherwise |
| The | e testator's answer: | |
| If s | omeone was present: | |
| | He/she/they left the room or | |
| | At the testator's insistence he/she/they remained only as a sup His/her/their name and relationship to the testator was | oport person. |
| | I explained their role was only to support the testator and not answer for the testator or seek to influence them in any way. | • |
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| Му | observations of the testator's environment and demeanour w | ere: |
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Capacity, undue influence, duress

[Record the steps taken to address <u>capacity</u>, undue influence and duress along with all relevant observations including:

| how much you could see of the testator's body on the screen | |
|--|---|
| what the testator's body language and behaviour were like, whether they appe to hear you well, were following what you were saying, looked at easy with what were doing] | |
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| Advice and discussion about contents of will | |
| [Record advice given and discussions with the testator] | |
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| As | a result of my discussions with the testator it appears to me that the testator: | |
|----|---|--------|
| | is aware of and appreciates the significance of the document they are signing. | |
| | is aware in general terms of the character, extent, and value of the estate which they were dealing. | vith |
| | is aware of those who might reasonably be thought to have claims upon the bounty, and the basis for and nature of those claims. | eir |
| | Has the ability to evaluate and discriminate between the respective strengt of those claims | hs |
| Н | ow the will was signed and witnessed | |
| | At am/pm on [date] I watched via audio visual link the testator sign the will by | ın |
| Н | ow the will was returned | |
| | The testator then scanned the signed will and emailed it to me and the other witness. I received the scanned document by email at am/pm | ər |
| | I watched, via audio visual link, the other witness sign the will and write the statement required by sub-regulation 41(5)(c)(ii) before they scanned and statement required by email at am/pm. Before signing the copy we received from the other witness, I compared the will with the one I had sent the testator by checking each line in both documents. | vill I |
| | I confirmed the contents of the two documents were the same. | |
| | | |

| | signed the copy I received from the other witness and scanned and sent a copy of the will with all the signatures on it back to the testator at am/pm. |
|----|--|
| | At am/pm on [date] I watched the testator: |
| | write on the copy I sent them with all the signatures on it that it is a true copy of the will signed by them and the conditions in sub-regulation 41(5) of the COVID-19 Omnibus (Emergency Measures) (Electronic Signing and Witnessing) Regulations 2020 have been met and |
| | 2) sign and date the writing referred to in (1) above. |
| | |
| EI | D PRODUCT |
| O | ne copy of the will on which appears |
| | The signature of the testator |
| | The signatures and statements of all the witnesses |
| | The statement by the testator that |
| | the copy is a true copy of the will signed by the testator and |
| | the conditions of sub-regulation 41 (5) COVID-16 Omnibus (Emergency Measures (Electronic Signing and Witnessing) Regulations 2020 have been met and |
| | this statement is signed and dated by the testator |
| A | Iditional notes and comments |
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