

Form PD3 – Declaration of Lawyer Who has Witnessed a Will via Electronic Means

(Enacted April 16, 2020)

(Amended August 7, 2020)

(Amended effective July 1, 2022)

FORM PD3

DECLARATION OF LAWYER WHO HAS WITNESSED A WILL

VIA ELECTRONIC MEANS

I _____, of _____, in the Province of _____, a Lawyer, did on _____, _____ witness, via electronic means, _____ (the “Testator”) acknowledge their signature affixed to their will as Testator.

During the meeting via electronic means the second witness signature was dealt with via the following means:

_____ I was physically in the presence of _____, who acted as the second witness to the Testator’s acknowledged signature;

OR

_____ The Testator was physically in the presence of _____, who acted as a first, in-person witness to the will and that individual acknowledged their signature to me;

OR

_____ the Testator and I were joined via electronic means by _____, who acted as the first remote witness to the will and that individual acknowledged their signature to me and the Testator. The Testator acknowledged the Testator’s signature to both of us.

Pursuant to Law Society of Saskatchewan Practice Directive 3, issued April 16, 2020 and amended August 7, 2020 and July 1, 2022, I confirm that:

_____ I have completed a line by line comparison of the will that I prepared against the partially executed will that I received back from the Testator and have confirmed that no unauthorized alterations were made.

OR

_____ I was acting as a witness only in relation to the Testator’s will, and as I had no document that I had created to compare to, I communicated the entirety of the will verbally or by other means to the Testator during our meeting via electronic means to confirm the Testator’s intentions.

Any alterations or interlineations on the face of the will that I received from the Testator were communicated to the Testator and confirmed during our meeting via electronic means.

I have turned my mind to the risks associated with the witnessing of documents via electronic means. I have assessed the following risks, and have answered “yes” or “no” to indicate where I have identified concerns:

1. Have I identified any indicia that the transaction might be fraudulent? _____
2. Did I identify concerns, including the physical presence of a third party in the company of my client while they were signing the documents, suggesting that there is a risk that the client may be subject to undue influence or duress? _____
3. Did I identify concerns about my client's understanding about the documents they are executing? _____
4. Did I identify concerns about my client not having an adequate opportunity to ask questions about the document being signed? _____

Where I have indicated "yes" to the statements above, I managed the risks by the following means:

Attached hereto is a screen capture of, or a photograph of a screen showing the testator and any witnesses to the will with their photo identification that was presented to me via electronic means during the session where the above noted documents were executed.

I DO SOLEMNLY DECLARE that the statements contained in this form are complete and true in every respect. AND I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Date

Signature of Lawyer