

# Counterpart Will Execution Checklist

In order that your Will is valid under Ontario Law, it must be executed according to the following strict rules. **Failure to follow these steps may make your Will invalid.**

Please initial each step of this checklist as you follow the steps to ensure that you are correctly executing the Will.

WILL-MAKER'S NAME

ITEMS	Initial
<p><b>1. The Will-maker and 2 witnesses must all be:</b></p> <ul style="list-style-type: none"> <li>a. Using audio-video technology at the same time; and</li> <li>b. Able to see and hear one another when the Will is signed.</li> </ul>	
<p><b>2. One of the 2 witnesses must be a “licensee” of the Law Society of Ontario.</b></p> <p>a. Witness 1</p> <ul style="list-style-type: none"> <li>i. Name: _____</li> <li>ii. Address: _____</li> <li>iii. Email Address: _____</li> <li>iv. Occupation: _____</li> <li>v. Not a Beneficiary: (Check to confirm) <input type="checkbox"/></li> <li>vi. Not the Spouse of a Beneficiary: (Check to confirm) <input type="checkbox"/></li> </ul> <p>b. Witness 2 (Law Society of Ontario Licensee)</p> <ul style="list-style-type: none"> <li>i. Name: _____</li> <li>ii. Home Address: _____</li> <li>iii. Email Address: _____</li> <li>iv. LSO #: _____</li> <li>v. Not a Beneficiary: (Check to confirm) <input type="checkbox"/></li> <li>vi. Not the Spouse of a Beneficiary: (Check to confirm) <input type="checkbox"/></li> </ul>	

## Video-Conference

3. All of the 3 participants join the same video-conference at the same time.	
4. Confirm that each can see and hear one another - sound and video are on and transmitting.	
5. Obtain verbal consent from participants to record the process.	
6. Turn on Recording Feature of video-conference.	
7. Confirm Date and Time:  <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="border: 1px solid black; width: 150px; height: 25px;"></div> <div style="border: 1px solid black; width: 80px; height: 25px;"></div> </div>	
8. Have each participant identify themselves by holding up a piece of ID to the camera.	
9. Confirm that no one else is present with the Will-maker who may be a beneficiary or who may be influencing the Will-maker.	
10. Confirm all copies of the Will are identical and note document ID  <div style="border: 1px solid black; width: 450px; height: 30px; margin-top: 10px;"></div>	
11. Provide <u>Instructions to Will-maker</u> and follow this Process:  <ul style="list-style-type: none"> <li>a) Hold up first page to the camera.</li> <li>b) Have each of the 2 witness confirm that they see it.</li> <li>c) Place your initials in the bottom right corner of each page.</li> <li>d) Hold up the first page to the camera to show initials.</li> <li>e) Have each of the 2 witness confirm that they see it.</li> <li>f) Repeat process for each page until the last page.</li> <li>g) On last page - insert today's date where indicated.</li> <li>h) Place your initials next to the date, if handwritten.</li> <li>i) Sign with your regular signature on the last page where indicated. (Normal Signature = the signature you would use for a cheque- you don't need to sign with middle names if you don't normally do so).</li> <li>j) Hold up the last page to the camera to show signature.</li> <li>k) Have each of the 2 witness confirm that they see it.</li> </ul>	

<p><b>12. Witness 1 confirms copy is identical and notes document ID</b></p> <div style="border: 1px solid black; height: 30px; width: 100%;"></div>	
<p><b>13. Provide <u>Instructions to Witness 1</u> and follow this Process:</b></p> <ul style="list-style-type: none"> <li>a) Hold up first page to the camera.</li> <li>b) Have the Will-maker and Witness 2 confirm that they see it.</li> <li>c) Place your initials in the bottom right corner of each page.</li> <li>d) Hold up the first page to the camera to show initials.</li> <li>e) Have the Will-maker and Witness 2 confirm that they see it.</li> <li>f) Repeat process for each page until the last page.</li> <li>g) On last page - insert today's date where indicated.</li> <li>h) Place your initials next to the date, if handwritten.</li> <li>i) Print your name under the signature line.</li> <li>j) Sign with your regular signature on the last page where indicated.</li> <li>k) Hold up the last page to the camera to show signature.</li> </ul> <p>Have the Will-maker and Witness 2 confirm that they see it.</p>	
<p><b>14. Witness 2 confirms copy is identical and notes document ID</b></p> <div style="border: 1px solid black; height: 30px; width: 100%;"></div>	
<p><b>15. Provide <u>Instructions to Witness 2</u> and follow this Process:</b></p> <ul style="list-style-type: none"> <li>a) Hold up first page to the camera.</li> <li>b) Have the Will-maker and Witness 1 confirm that they see it.</li> <li>c) Place your initials in the bottom right corner of each page.</li> <li>d) Hold up the first page to the camera to show initials.</li> <li>e) Have the Will-maker and Witness 1 confirm that they see it.</li> <li>f) Repeat process for each page until the last page.</li> <li>g) On last page - insert today's date where indicated.</li> <li>h) Place your initials next to the date, if handwritten.</li> <li>i) Print your name under the signature line.</li> <li>j) Sign with your regular signature on the last page where indicated.</li> <li>k) Hold up the last page to the camera to show signature.</li> <li>l) Have the Will-maker and Witness 1 confirm that they see it</li> </ul>	
<p><b>16. Save Recording of Video Conference</b></p>	

## Affidavits of Execution

<b>17. Collect Originally signed counterparts together into one document</b>	
<b>18. Lawyer prepares Affidavits of Execution – Counterpart witnesses:</b>  a) Affidavit of Execution of LSO Witness Exhibit “A” is all copies of Will stapled together (Will-maker’s originally signed copy+each witness's originally signed copy)  b) Affidavit of Execution of Witness 2 (optional). Exhibit “A” is all copies of Will stapled together (Will-maker’s originally signed copy+each witness's originally signed copy)	