

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>1. The Will-maker and 2 witnesses must all be:</p> <p style="margin-left: 40px;">a. Using audio-video technology at the same time; and</p> <p style="margin-left: 40px;">b. Able to see and hear one another when the Will is signed.</p>	
<p>2. One of the 2 witnesses must be a “licensee” of the Law Society of Ontario.</p> <p style="margin-left: 20px;">a. Witness 1</p> <p style="margin-left: 40px;">i. Name: _____</p> <p style="margin-left: 40px;">ii. Address: _____</p> <p style="margin-left: 40px;">iii. Email Address: _____</p> <p style="margin-left: 40px;">iv. Occupation: _____</p> <p style="margin-left: 40px;">v. Not a Beneficiary: (Check to confirm) <input type="checkbox"/></p> <p style="margin-left: 40px;">vi. Not the Spouse of a Beneficiary: (Check to confirm) <input type="checkbox"/></p> <p style="margin-left: 20px;">b. Witness 2 (Law Society of Ontario Licensee)</p> <p style="margin-left: 40px;">i. Name: _____</p> <p style="margin-left: 40px;">ii. Home Address: _____</p> <p style="margin-left: 40px;">iii. Email Address: _____</p> <p style="margin-left: 40px;">iv. LSO #: _____</p> <p style="margin-left: 40px;">v. Not a Beneficiary: (Check to confirm) <input type="checkbox"/></p> <p style="margin-left: 40px;">vi. Not the Spouse of a Beneficiary: (Check to confirm) <input type="checkbox"/></p>	

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"> a) Hold up first page to the camera. b) Have each of the 2 witness confirm that they see it. c) Place your initials in the bottom right corner of each page. d) Hold up the first page to the camera to show initials. e) Have each of the 2 witness confirm that they see it. f) Repeat process for each page until the last page. g) On last page - insert today's date where indicated. h) Place your initials next to the date, if handwritten. 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). j) Hold up the last page to the camera to show signature. k) Have each of the 2 witness confirm that they see it. 	

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

Affidavits of Execution

17. Collect Originally signed counterparts together into one document	
18. Lawyer prepares Affidavits of Execution – Counterpart witnesses: a) Affidavit of Execution of Witness 1. – Exhibit “A” is Will-maker’s originally signed copy Exhibit “B” is Witness 1’s originally signed copy b) Affidavit of Execution of Witness 2. Exhibit “A” is Will-maker’s originally signed copy Exhibit “B” is Witness 2’s originally signed copy	