

Signature Pages for Will and Self-Proving Affidavit (VA)

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Signature pages that comply with the execution requirements for Virginia wills, including an attestation clause, signature lines for the testator and witnesses, and a self-proving affidavit (sometimes called a self-proving certificate). This Standard Clause contains integrated notes and drafting tips.

DRAFTING NOTE: READ THIS BEFORE USING DOCUMENT

To be valid, a Virginia will generally must be:

- Executed by an individual who is, at the time of execution:
 - at least 18 years old or an emancipated minor; and
 - of sound mind.
- In writing.
- Signed by the testator or another person:
 - in the testator's presence; and
 - at the testator's direction.
- Signed by two or more competent witnesses in the presence of the testator and each other (subject to the exception for holographic wills, see Drafting Note, Witness Signatures).

(Va. Code Ann. §§ 64.2-401 and 64.2-403.)

A self-proving affidavit is not required under Virginia law. Counsel should still include a self-proving affidavit in all Virginia wills because it generally eliminates the need for a witness to attest in court (or by deposition) to the will execution when the will is offered for probate (Va. Code Ann. § 64.2-452; see Drafting Note, Self-Proving Affidavit).

This Standard Clause provides the signature pages that can be used with a Virginia will, including:

- An attestation clause.
- A signature line for the testator.
- Signature lines for witnesses.
- A self-proving affidavit.

For more information on Virginia wills, in general, see [State Q&A, Wills: Virginia](#).

Bracketed Items

The drafting party should replace bracketed language in ALL CAPS with case-specific facts or other information. Bracketed language in sentence case is optional language that the drafting party may include, modify, or delete in its discretion. A forward slash between words or phrases indicates that the drafting party should include one of the words or phrases contained in the brackets in the document.

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Executed at [CITY/COUNTY], Virginia, on [DATE].

[TESTATOR NAME]

We, the undersigned, do hereby certify that [TESTATOR NAME] has signed, sealed, acknowledged, and declared the foregoing paper as and for testator's Last Will and Testament in the presence of us, two (2) competent witnesses, who, in testator's presence, at the testator's request, and in the presence of each other, all present together at the same time, have hereunto subscribed our names as attesting witnesses, on [DATE].

----- residing at

[FIRST WITNESS NAME]

----- residing at

[SECOND WITNESS NAME]

DRAFTING NOTE: TESTATOR'S SIGNATURE

The testator must either:

- Sign the will.
- Have someone sign the will for the testator:
 - in the testator's presence; and
 - at the testator's direction.

(Va. Code Ann. § 64.2-403(A).)

Witness Signatures

If the will is not a holographic will, at least two competent witnesses must be in the testator's presence when the testator either:

- Signs the will.
- Acknowledges the testator's signature on the will to the witnesses.

(Va. Code Ann. § 64.2-403(C).) Virginia does not require holographic wills (wills entirely in the testator's handwriting and signed by the testator) to be witnessed. However, if it is not witnessed, the court requires two disinterested witnesses to prove the testator's handwriting and signature to probate the will. (Va. Code Ann. § 64.2-403(B).)

To satisfy the witness requirements for a non-holographic will, the two witnesses must be present at the same time and in the testator's presence when they sign the will (Va. Code Ann. § 64.2-403(C)).

Though it is discouraged, individuals may serve as witnesses even if they are named in the will as beneficiaries or fiduciaries (Va. Code Ann. § 64.2-405). Therefore, the witness:

- May be a beneficiary or serve as personal representative under the will.
- Does not forfeit any bequests made to the witness under the will if the witness is a beneficiary or serves as personal representative under the will.

Counsel should use disinterested witnesses, unless no other witnesses are available, to avoid any appearance of undue influence when the testator executes the testator's will.

Initialing Each Page

The testator is not required to initial each page of the will. To minimize fraud, some attorneys have the testator initial each page of the will,

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particularly if there is any concern about a person altering the will after execution. Counsel may add in blank lines for initials at the bottom of each page or have the client initial on a blank space at the bottom of each page.

A downside of initialing is the extra time it takes at the will signing. More importantly, there is also the risk that the testator may inadvertently skip a page at the signing, potentially resulting in a

question about validity even in the absence of any wrongful conduct. When using this approach, counsel should review each page of the will in the testator's presence right after it is signed to ensure that the testator has initialed every page.

For additional information about signature requirements, testamentary capacity, and grounds for challenging a will, see [State Q&As, Wills: Virginia](#) and [Probate: Virginia](#).

SELF-PROVING AFFIDAVIT

STATE OF VIRGINIA

[COUNTY/CITY] OF [COUNTY OR CITY NAME]

Before me, the undersigned authority, on this day personally appeared [TESTATOR NAME], [FIRST WITNESS NAME], and [SECOND WITNESS NAME], known to me to be the testator and the witnesses, respectively, whose names are signed to the attached or foregoing instrument and, all of these persons being by me first duly sworn, [TESTATOR NAME], the testator, declared to me and to the witnesses in my presence that said instrument is testator's last will and testament and that the testator had willingly signed or directed another to sign the same for testator, and executed it in the presence of said witnesses as testator's free and voluntary act for the purposes therein expressed; that said witnesses stated before me that the foregoing will was executed and acknowledged by the testator as testator's last will and testament in the presence of said witnesses who, in testator's presence and at testator's request, and in the presence of each other, did subscribe their names thereto as attesting witnesses on the day of the date of said will, and that the testator, at the time of the execution of said will, was over the age of eighteen years and of sound and disposing mind and memory.

Testator

Witness

Witness

Subscribed, sworn, and acknowledged before me by [TESTATOR NAME], the testator, and subscribed and sworn before me by [FIRST WITNESS NAME] and [SECOND WITNESS NAME], witnesses, this [DATE] day of [MONTH], [YEAR].

SIGNED _____

(OFFICIAL CAPACITY OF OFFICER)

DRAFTING NOTE: SELF-PROVING AFFIDAVIT

This Standard Document includes substantially the statutory form of a self-proving affidavit (sometimes called a self-proving certificate) (Va. Code Ann. § 64.2-452).

The self-proving affidavit must be signed by the testator and the attesting witnesses before either:

- An officer authorized to administer oaths under Virginia law or the laws of the state where acknowledgement occurred.
- An officer of the US foreign service, a consular agent, or any other person authorized by regulation of the US Department of State to perform notarial acts where the act is performed.

(Va. Code Ann. § 64.2-452.) In the US, self-proving affidavits are generally made before a notary. The self-proving affidavit is separate from the attestation clause. If the testator chooses to include the self-proving affidavit, the testator and the witnesses will sign twice, both:

- Under the attestation clause.
- The self-proving affidavit itself.

The self-proving affidavit may be signed during the will execution or later (Va. Code Ann. § 64.2-452). The testator and witnesses should generally make a will self-proving when executed. If counsel is helping a testator in poor health, a notary cannot readily be obtained, and time is of the essence, counsel should advise the testator not to delay signing the will until a notary is available. However, if possible, the testator and witnesses should still sign a self-proving affidavit as soon as is practicable after the will is signed.

Self-proving affidavits are not required in Virginia. However, when the will is offered for probate, a will with a properly executed self-proving affidavit will not require any of the witnesses to testify under oath about the testator's execution of the will in the witnesses' presences and the witnesses' attestation as required under statute to prove a will (Va. Code Ann. § 64.2-452).

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