

**DEPOSITION OF WITNESS TO WILL  
WITHOUT SELF-PROVING CLAUSE**

COMMONWEALTH OF VIRGINIA  
VA. CODE §§ 8.01-420.4; 17.1-270; 64.2-401, 64.2-403, 64.2-447;  
Rule 4:2, Rule 4:3, Rule 4:5, Rule 4:6

..... Testator (Decedent)

..... Deponent

After being duly sworn, the deponent says as follows:

1. State your name, age, and residence address.
2. Attached hereto is a copy of a writing dated .....  
purporting to be the Last Will and Testament of the decedent and purporting to be signed by the decedent and  
witnessed by you and .....  
NAME(S) OF OTHER WITNESSES
  - a. Is this your signature on page ..... ? **Ans.**
3.
  - a. Did the decedent sign this paper in your presence and in the presence of other witness(es), with all of you together at the same time? **Ans.**
  - b. (Ask 3b. only if the answer to 3a. is "No")  
Did the decedent acknowledge the signature, which was not made in your presence, to be his or her signature, in the presence of you and the other witness(es), with all of you together at the same time? **Ans.**
  - c. (Ask 3c. only if the answer to 3b. is "No")  
Did someone else, and if so, what person, make the decedent's signature for him or her, at the decedent's direction, with you and the other witness(es) all together at the same time? **Ans.**
  - d. (Ask 3d. only if the answer to 3c. in "No")  
Did the decedent acknowledge that his or her signature had been made at his or her direction by some other person, and if so, what other person, with you, the decedent, and the other witness(es) all together at the same time when the decedent made that acknowledgment? **Ans.**
  - e. (Ask 3e. only if the answer to 3d. is "No")  
Did the decedent acknowledge this paper to be his or her act in the presence of you and the other witness(es), with all of you together at the same time? **Ans.**
4. Was the decedent of sound and disposing mind, memory and understanding and of 18 years of age or older at the time he or she signed the will or acknowledged the signature or act? **Ans.**
5.
  - a. Did the decedent request that you and the other witness(es) sign this paper as witness(es)? **Ans.**
  - b. (Ask 5b. only if the answer to 5a. is "No")  
Did someone else, and, if so, what person, ask that you and the other witness(es) sign this paper in the presence of the decedent? **Ans.**

6. Did you and the other witness(es) sign this paper in the presence of the decedent? **Ans.**
7. Do you know of any other will of the decedent? **Ans.**
8. Did the decedent execute this will freely and voluntarily as his or her last will and testament? **Ans.**

\_\_\_\_\_  
SIGNATURE OF DEPONENT

.....  
CITY; COUNTY; STATE; TERRITORY; PROVINCE; COUNTY

State/Commonwealth of ..... [ ] City [ ] County of .....

The foregoing instrument was acknowledged before me this ..... day of ....., 20 .....

by .....  
NAME

for the purpose of filing or reading as evidence in the matter of the probate of the will of the testator named above. I am:

- [ ] authorized to administer oaths (depositions taken in Virginia).
- [ ] authorized to take depositions in the jurisdiction where the deponent is (depositions in U.S., outside Virginia).
- [ ] otherwise authorized under Rule 4:3 of the Supreme Court of Virginia to take this deposition.

Given under my hand and seal.

.....  
DATE

\_\_\_\_\_  
SIGNATURE

.....  
[ ] CLERK [ ] DEPUTY CLERK [ ] NOTARY PUBLIC

My commission expires .....

Registration No. ....

.....  
DATE

.....  
COURT, IF DEPOSITIONS TAKEN THEREIN

Seal (where required)

I certify that the signature of the person who took the  
Above deposition is genuine.  
My seal is affixed.

\_\_\_\_\_  
AUTHENTICATING SIGNATURE WHERE REQUIRED

.....  
TITLE

\$ .....  
FEE PERSON TO WHOM FEE CHARGED PERSON PAYING FEE, IF PAID

**See Rule 4:3, Supreme Court of Virginia:** Depositions taken in Virginia do not require a seal. If a person taking a deposition outside Virginia does not have a seal, an official who has a seal must authenticate that person's signature. U.S. military: A commissioned officer may take a deposition; his or her signature must be authenticated by the commanding officer of the installation or ship: no seal is required.