

Using This Revisable PDF Form

1. Copies – original to witness then to court.
2. Prepared by
 - a. First page – Data Element Nos. 1 through 3 are completed by clerk or person taking deposition.
 - b. First page – Data Element No. 5 is completed by the witness.
 - c. Second page – Data Element Nos. 1 and 2 are completed by the witness.
 - d. Second page – Remaining Data Elements are completed by the person taking the deposition and, if required, person authenticating signature of person taking the deposition.
3. Attachments – copy of will.
4. Preparation details

Data Element Nos. 10 and 11 – Under Rule 4:3 of the Rules of the Supreme Court of Virginia, if a person taking a deposition outside of Virginia does not have a seal, an official who has a seal must authenticate the signature of the person taking the deposition. If a commissioned officer in the U.S. military took the deposition, the commanding officer of the installation or ship must authenticate the officer's signature. In this instance, no seal is required.

**DEPOSITION OF WITNESS TO
PROVE HOLOGRAPHIC WILL**

VA. CODE §§ 64.2-403, 64.2-447; Rule 4:2, Rule 4:3, Rule 4:5, Rule 4:6

..... **1** Name of Testator/Decedent

..... **2** Deponent

TO THE DEPONENT:

You are providing the Court testimony, under oath, which will assist the Court in proving the attached handwritten document dated **3**, hereafter referred to as the “writing,” to be the last Will and Testament of the above-named decedent.

After being duly sworn, the deponent says as follows:

1. State your name, age, and residence address: **4**

.....

2. Are you a beneficiary under the writing presented for probate? **Ans.**

3. Do you have any interest in the writing being offered for probate which will ultimately benefit you in any way?

Ans.

3a. If the answer to Question 3 is “Yes,” describe what benefits you expect to receive as a result of your testimony.

Ans.

.....

4. Were you personally acquainted with the decedent? **Ans.**

5. Describe how you personally knew the decedent. **Ans.**

.....

6. Are you personally familiar with the handwriting of the decedent? **Ans.**

.....

.....

7. Describe how you are personally familiar with the handwriting of the decedent. (Examples: correspondence with decedent, business records, handwritten notes of decedent, etc. **Ans.**

.....

.....

8. If you have any such examples of the decedent’s handwriting in your possession, please provide copies of examples of the handwriting of the decedent. **Ans.** Copies attached, OR No copies available

9. Attached is a copy of the writing purporting to be the Last Will and Testament of the decedent, and purporting to be written wholly in the handwriting of the decedent. Do you believe this writing together with the signature to be inscribed wholly in

the handwriting of the decedent? **Ans.**

10. If the answer to question 9 is “No,”: What portion of the writing is not inscribed in the handwriting of the decedent?

Ans.

.....

5

Data Elements, *page one*

To be completed by the clerk or the person taking the deposition:

1. Name of decedent.
 2. Name of deponent (person testifying that the facts are true).
 3. Date of attached writing (will).
 4. Name, age and address of the deponent.
5. Deponent answers questions 2 through 10 based on his or her knowledge of the decedent's will and handwriting.

11. Is your testimony in this matter freely and voluntarily given? **Ans.** **1**

..... **2**
SIGNATURE OF DEPONENT

3 { State/Commonwealth of [] State [] 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:

4 { [] 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.

..... **5**
DATE

..... **6**
SIGNATURE OF DEPONENT

..... **7**
[] CLERK [] DEPUTY CLERK [] NOTARY PUBLIC

My commission expires **8**

Registration No.

.....
DATE

..... **9**
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.

..... **10**
AUTHENTICATING SIGNATURE WHERE REQUIRED

..... **11**
TITLE

\$ **12**
FEE

..... **13**
PERSON TO WHOM FEE CHARGED

..... **14**
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, and 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.

Data Elements, page 2

1. Deponent answers “yes” or “no” to question 11.
2. Signature of deponent.

To be completed by person taking the deposition and/or person authenticating the signature of the person taking the deposition:

3. Location where deposition of deponent taken.
4. Person authorized to take depositions is to check applicable box.
5. Date deposition taken.
6. Signature of person who took deposition if other than clerk, deputy clerk or notary.
7. Signature of clerk, deputy clerk or notary who took deposition. Check appropriate title box.
8. Date notary public’s commission expires.
9. Court name if deposition taken at court.
10. Signature of person authenticating signature of person who took deposition. See Using This Form, 4.
11. Title of person authenticating signature of person who took deposition.
12. Fee charged by person certifying deposition, if applicable.
13. Name of person who charged the fee, if applicable.
14. Name of person who paid the fee, if applicable.