

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

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

DRAFTING NOTE: READ THIS BEFORE USING DOCUMENT

To be valid in Connecticut, a will generally must be:

- In writing.
- Signed by the testator.
- Signed by two witnesses, both of whom must sign the will in the presence of the testator.

(Conn. Gen. Stat. Ann. § 45a-251.)

A self-proving affidavit is not required to create a valid will, but it is standard practice to include a self-proving affidavit as part of a will absent good reason not to include it. With a few exceptions, a will that is self-proved may be admitted to probate without having to submit additional proof that it was executed in conformity with Connecticut law (Conn. Gen. Stat. Ann. § 45a-285).

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

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

BRACKETED ITEMS

Bracketed items in ALL CAPS should be completed with the facts of the matter. Bracketed items in sentence case are either optional provisions or include alternative language choices to be selected, added, or deleted at the discretion of the drafting party.

IN WITNESS WHEREOF, I, [TESTATOR NAME], have hereunto my Last Will and Testament set my hand and seal on _____, [YEAR].

[TESTATOR NAME]

SIGNED, SEALED, PUBLISHED and DECLARED by [TESTATOR NAME], the Testator, as and for [his/her] Last Will and Testament, in the presence of us and each of us, who, at [his/her] request, in [his/her] presence and in the presence of each other, have hereunto subscribed our names as witnesses on the day of the execution thereof.

_____ of _____
Signature of Witness Address of Witness

_____ of _____
Signature of Witness Address of Witness

DRAFTING NOTE: SIGNATURE BLOCK

To be validly executed in Connecticut, a will must be attested to by two witnesses, both of whom must sign it in the presence of the testator (Conn. Gen. Stat. Ann. § 45a-251).

TESTATOR'S SIGNATURE

The requirement that the will be signed or subscribed by the testator has been interpreted to mean that the testator must sign the will at the end of the document (see *Wheat v. Wheat*, 244 A.2d 359, 363 (Conn. 1968) and *Gardner v. Balboni*, 588 A.2d 634 (Conn. 1991)). Connecticut does not statutorily authorize another person to sign a will on behalf of a testator, even if at the direction and request of the testator, but presumably any mark of the testator would satisfy the subscription requirement (Conn. Gen. Stat. Ann. § 45a-251 and see *Wheat*, 244 A.2d at 364).

WITNESS SIGNATURES

Witnesses do not have to see the testator sign the will (*Wheat*, 244 A.2d at 364). However, having the testator sign the will in the presence of the witnesses is standard practice and can be helpful if questions of validity and proper execution arise. At least one of the witnesses to the will must at least have the opportunity to see the testator's signature on the will (see *Wheat*, 244 A.2d at 364).

The witnesses to a will should not be beneficiaries of the will or spouses of beneficiaries because every devise or bequest in a will or codicil to a subscribing witness (or the spouse of a subscribing witness) is void unless:

- The will or codicil is legally attested without the signature of that witness.
- The beneficiary is also an heir-at-law of the testator.

(Conn. Gen. Stat. Ann. § 45a-258.)

SELF-PROVING AFFIDAVIT

STATE OF CONNECTICUT)
COUNTY OF [COUNTY]) ss.
)

Then and there appeared [FIRST WITNESS NAME] and [SECOND WITNESS NAME], the above named subscribing witnesses, who, being duly sworn, say that they witnessed the execution of the within Will of the within named Testator, [TESTATOR NAME], that said Testator subscribed, sealed, published and declared the same to be [his/her] Last Will and Testament in their presence; that they thereafter subscribed the same as witnesses in [his/her] presence, at [his/her] request, and in the presence of each other; that at the time of the execution of said Will [he/she] appeared to them to be of full age and of sound mind and memory and not under any restraint or

in any respect incompetent to make a Will; and that they make this affidavit at [his/her] request on _____, [YEAR].

Signature of Witness

Signature of Witness

Subscribed and sworn to before me
on _____, [YEAR].

Notary Public
Commissioner of the Superior Court

DRAFTING NOTE: SELF-PROVING AFFIDAVIT

Although using a self-proving affidavit is not a requirement for a valid will, it is good practice to include one. Including a self-proving affidavit requires a notary to be present when the will is executed so that the witnesses' signatures can be notarized.

Having the witnesses' signatures notarized as part of the signing generally makes it easier to probate the will, eliminating the need to have witnesses appear in court or provide affidavits after the testator's death (Conn. Gen. Stat. Ann. § 45a-285).

If counsel is helping a client in poor health and time is of the essence, counsel should not advise the client to delay signing the will until a notary is available. However, if possible, the witnesses should still

sign a self-proving affidavit as soon as is practicable after the will is signed. A self-proving affidavit can also be signed after the testator's death at the request of the executor of the testator's estate or any person interested in the will (Conn. Gen. Stat. Ann. § 45a-285).

The sworn statement of a witness on a self-proving affidavit is accepted by the probate court as if the sworn statement had been taken before the court (Conn. Gen. Stat. Ann. § 45a-285).

If the witnesses and notary are not signing this affidavit in the testator's presence or at the same time, the self-proving affidavit should be modified to reflect this as appropriate.

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