

**Law Society Form 18: Witnessing, Commissioning and Notarizing Documents
Via Audio-Visual Communication**

DECLARATION OF MEMBER WHO HAS WITNESSED DOCUMENTS VIA AUDIO-VISUAL COMMUNICATION

I _____, of _____, in the Province of Newfoundland and Labrador, a member of the Law Society of Newfoundland and Labrador, did on the ____ day of _____, witness _____ sign the following documents via audio-visual communication:

- 1.
- 2.
- 3.

In accordance with Law Society Rule 18.02A, I hereby confirm that I am covered by professional liability insurance or will be indemnified by my employer for witnessing, commissioning and/or notarizing the above listed document(s).

In accordance with Law Society Rule 18.06, I have turned my mind to the risks associated with the witnessing of documents via audio-visual communication. I have assessed the following risks, and have answered “yes” or “no” to indicate where I have identified concerns:

1. Have I identified any indicia that the transaction might be fraudulent? _____
2. Did I identify concerns, including the physical presence of a third party in the company of my client while they were signing the documents, suggesting that there is a risk that the client may be subject to undue influence or duress? _____
3. Did I identify concerns about my client’s understanding about the documents they are executing? _____
4. Did I identify concerns about my client not having an adequate opportunity to ask questions about the document being signed? _____

Where I have indicated “yes” to the statements above, I managed the risks by the following means:

In addition, **where the document witnessed was a will**, the details of the second witness signature were as follows:

1. I was physically in the presence of [name of another member], who acted as the second witness to the Testator’s acknowledged signature; _____

OR

2. The Testator was physically in the presence of [name of witness], who acted as a first, in-person witness to the will and that individual acknowledged their signature to me;

OR

3. The Testator and I were joined via electronic means by [name of another member], who acted as the first remote witness to the will and that individual acknowledged their signature to me and the Testator. The Testator acknowledged the Testator's signature to both of us.

In accordance with Rule 18.10, I confirm that:

1. I have completed a line by line comparison of the will that I prepared against the partially executed will that I received back from the Testator and have confirmed that no unauthorized alterations were made. _____

OR

2. I was acting as a witness only in relation to the Testator's will, and as I had no document that I had created to compare to, I read the entirety of the will aloud to the Testator during our meeting via electronic means to confirm the Testator's intentions. _____

AND

3. I have prepared a Proof of Will in accordance with the *Rules of the Supreme Court, 1986*.

Attached hereto is a screen capture or screen photo of my client with their photo identification that was presented to me via electronic means during the session where the above noted documents were executed or a copy of my affidavit prepared in accordance with Rule 18.05A.

I DO SOLEMNLY DECLARE that I have complied with the Requirements outlined in the *Temporary Witnessing of Documents Act* and Law Society Rule 18 and that the statements contained in this form are complete and true in every respect.

AND I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

DATE

Signature of Member

[This Form must be maintained in the client's file and a copy must be provided to the client.]