

A. Determine the Actors

Actors:

- **Person A** : each of the two or more witnesses
- **Person B**: the testator
- **Person C**: the testator's signatory

B. Follow Each Applicable Step

STEP 1: Confirm identity

Person A satisfies themselves as to the identity of Person B (and, if applicable, Person C) by way of:

- (a) Person B or C being personally known to Person A; or
- (b) Person B or C proving their identity to the satisfaction of Person A.

STEP 2: Confirm communication method satisfactory

Person A and Person B (and, if applicable, Person C) confirm that they are able to see and hear one another while the action is being taken.

STEP 3: Confirm document

Person A sees the document in Person B's possession before Person B signs it or acknowledges the signing by Person C.

- ❖ **Consider: Who is signing the document – Testator or Signatory?**

STEP 4A: See document signed

Person A sees Person B sign the document.

OR

STEP 4B: See signature and acknowledgement

Person A sees Person C sign the document, Person A sees Person B acknowledge the signature of Person C, and, if Person B is capable of acknowledging the signature audibly, Person A hears Person B acknowledge the signature of Person C.

STEP 5: Confirm same document

Person A sees the document immediately after Person B or C signs it.

STEP 6: Receive signed document

Person A receives the signed document and is satisfied that

- (a) it is the same one that Person A saw in Person B's possession;
- (b) the signature on the document matches the one Person A saw being made.

STEP 7: Sign document and confirm how identity was verified

Person A signs the document and records in writing that the document was signed through a glass or plexiglass partition or by videoconference and how Person A satisfied themselves as to the identity of Person B (and, if applicable, Person C).

C. ADDITIONAL REQUIREMENTS OR STEPS***Wills Act* – Testator’s Signatory and additional requirements for witnesses**

- 1) The testator’s signatory referred to as Person C is the person who signs the will in the presence of and at the direction of the testator.
- 2) At least one of the witnesses must be a lawyer holding a valid practising certificate issued by the Law Society of Manitoba.
- 3) Each of the witnesses must be in each other’s presence or be able to see and hear each other by way of multi-person videoconferencing.
- 4) For greater certainty, the reference to Person A is a reference to each witness to the signing of the will.