

disputes that one of the documents is part of the will and asked for Proof in Solemn Form. Mr. Davis, as Executor, seeks Proof in Solemn Form of both documents. Ms. Johnson said the blanks were not filled in in the document she is disputing at the time it was signed by Mr. Johnson. The witnesses to the will only initialled one of the documents and one of them did not remember Mr. Johnson signing the will. The other testified Mr. Johnson did not sign the will in their presence. Mr. Johnson had the two documents waiting for them to be witnessed when the witnesses arrived at his residence. The witnesses signed and initialled the documents in Mr. Johnson's presence.

ISSUES:

1. Were the required formalities of execution of the will fulfilled?
2. Did the Testator have testamentary capacity?
3. Did the Testator have the necessary knowledge and approval of the contents of the will?
4. Were the blanks filled in on the handwritten document when it was executed by the Testator?
5. Both the printed will form and the handwritten document having revocation clauses, did the execution of both revoke the first document signed?

RESULT:

Mr. Johnson, by his conduct, made the necessary acknowledgement of his signature to the witnesses of his will. The initials of the witnesses on the handwritten document were sufficient for its proper execution. The Testator had testamentary capacity. Mr. Johnson also had the required knowledge and approval of the contents of the will. Consideration was given to the fact the person who prepared the will was the main beneficiary. On the evidence it was held the blanks were filled in on the handwritten document when it was signed by the Testator. The intention of the Testator was both documents would together form his will. He did not intend the second document signed to revoke the first signed. Both documents will be admitted to Probate as Mr. Johnson's Last Will and Testament.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
QUOTES MUST BE FROM THE DECISION, NOT THIS COVER SHEET.***