

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

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Signature pages that comply with the execution requirements for Indiana wills and electronic 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

For a will to be valid in Indiana, it must be in writing and:

- The testator must sign the will or direct another to sign the testator's name in the testator's presence (or the testator must acknowledge the testator's prior signature on the will).
- Two witnesses must sign the will in the testator's presence.

(Ind. Code Ann. § 29-1-5-3.)

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 Indiana law (Ind. Code Ann. § 29-1-5-3.1).

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

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

Electronic Wills

Indiana permits electronic wills executed on or after July 1, 2018 (Ind. Code Ann. §§ 29-1-21-1 to 29-1-21-18). An electronic will must:

- Include either:
 - the testator's electronic signature; or
 - the electronic signature of another adult individual, not an attesting witness, made at the testator's direction.
- Be attested to by the electronic signatures of at least two witnesses.

(Ind. Code Ann. § 29-1-21-4(a).)

Counterpart Wills

Indiana permits wills to be executed in counterpart (Ind. Code Ann. § 29-1-5-3(c)). A counterpart will must be:

- In tangible, readable paper form.
- Signed by the testator on the original counterpart.
- Signed by at least two witnesses on one or more different counterparts of the same will.
- Supervised by an attorney or directed paralegal during the execution.

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- Assembled into a single composite document within five days of signing (or within five days of receiving all separately signed counterparts, if being assembled by another individual at the testator's direction).

(Ind. Code Ann. §§ 29-1-5-3(c), (d).)

For more information on counterpart wills and their requirements, see [State Q&A, Wills: Indiana: Question 6: Counterpart Wills](#).

Bracketed Items

The drafting party should replace bracketed language in ALL CAPS with case-specific facts or other information. Bracketed language in sentence case is optional language that the drafting party may include, modify, or delete in its discretion. A forward slash between words or phrases indicates that the drafting party should include one of the words or phrases contained in the brackets in the document.

IN WITNESS WHEREOF, I have hereunto subscribed my name on [MONTH] [DAY], [YEAR].

[TESTATOR NAME]

Signed, sealed, published and declared by [TESTATOR NAME], the Testator above named, as and for Testator's Last Will and Testament, in our presence, and we, in Testator's presence, and in the presence of each other, have hereunto subscribed our names as witnesses on [MONTH] [DAY], [YEAR].

Signature of Witness

Name of Witness

Signature of Witness

Name of Witness

DRAFTING NOTE: SIGNATURE BLOCK

To be validly executed in Indiana, a will must generally be:

- Signed by either:
 - the testator; or
 - someone for the testator and at the testator's direction.

- Attested to by two witnesses, both of whom must sign in the testator's presence.
- Signified by the testator to the attesting witnesses that the instrument is the testator's will.

(Ind. Code Ann. §§ 29-1-5-3 and 29-1-21-4(a)(3).)

Testator's Signature

For a will to be valid in Indiana, the testator must signify to at least two witnesses that the instrument is the testator's will and either:

- Sign the will in the witnesses' presence.
- Direct another person who is not an attesting witness to sign the testator's name in the testator's and witnesses' presence. This is typically only done when the testator is not able to sign because of a physical incapacity.
- Acknowledge the testator's signature to the witnesses, if the testator signed the will before the witnesses were present.

(Ind. Code Ann. §§ 29-1-5-3(b)(1) and 29-1-21-4(a).)

Witness Signatures

For a valid will, the witnesses must be competent when the will is executed to be witnesses generally in Indiana and both:

- Witness the testator's signature to the will (or the signature of someone who signs at the testator's direction) or have the testator acknowledge the testator's signature to the witnesses, if the testator signed the will before the witnesses were present.
- Execute the will or a self-proving clause attached to the will in the presence of the testator and each other.

(Ind. Code Ann. §§ 29-1-5-2, 29-1-5-3, and 29-1-21-4(a).)

Signatures for Electronic Wills

The basic requirements for signing and witnessing an electronic will are generally the same as for a traditional will. However, for an electronic will, all signatures are electronic signatures. An electronic signature is an electronic sound, symbol, or process attached to or logically associated with an electronic record and executed or adopted by a person with the intent to sign the electronic record (Ind. Code Ann. §§ 29-1-21-3(9), 29-1-21-4(a), and 26-2-8-102(10).)

The testator and attesting witnesses must comply with both:

- The prompts issued by the software used to perform the electronic signing.
- The instructions given by the person, if any, responsible for supervising the execution of the electronic will.

(Ind. Code Ann. § 29-1-21-4(a)(2).)

The testator or other adult individual, who is not an attesting witness and acts for the testator, must command the software application or user interface to also finalize the electronically signed electronic will as an electronic record. This may include any identity verification evidence pertaining to the testator or any document integrity evidence for the electronic will. (Ind. Code Ann. § 29-1-21-4(a)(6).) For more information on electronic wills in Indiana, see [State Q&A: Wills: Indiana](#).

SELF-PROVING AFFIDAVIT

Under penalties of perjury, we, the undersigned Testator and the undersigned witnesses, respectively, whose names are signed to the attached or foregoing instrument, declare:

(1) That Testator executed the instrument as Testator's Last Will and Testament;

[(2) That, in the presence of both witnesses, Testator signed or acknowledged the signature already made or directed another to sign for Testator in Testator's presence;

OR

(2) That, in the actual and direct physical presence of both witnesses, Testator signed the will or directed another individual who is not one of the witnesses to sign for Testator in Testator's presence and in the witnesses' actual and direct physical presence;]

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(3) That Testator executed the Last Will and Testament as a free and voluntary act for the purposes expressed in it;

[(4) That each of the witnesses, in the presence of Testator and of each other, signed the Last Will and Testament as a witness;

OR

(4) That each of the witnesses, in the actual and direct physical presence of Testator and each other, signed the Last Will and Testament as a witness;]

(5) That Testator was of sound mind when the Last Will and Testament was executed; and

(6) That to the best knowledge of each of the witnesses, Testator was, at the time the Last Will and Testament was executed, eighteen (18) or more years of age or was a member of the armed forces or of the merchant marine of the United States or its allies.

DATED this [DATE] day of [MONTH], [YEAR].

[TESTATOR NAME]

Signature of Witness

Name of Witness

Signature of Witness

Name of Witness

SELF-PROVING AFFIDAVIT FOR COUNTERPART WILL

We, the undersigned Testator and undersigned witnesses, respectively, whose names are signed to the attached and foregoing instrument, declare the following:

(1) That the undersigned Testator and witnesses interacted with each other in real time through the use of technology, and each witness was able to observe the Testator and other witnesses throughout the signing process.

(2) That the Testator executed a complete counterpart of the instrument, in a readable form on paper, as the Testator's will.

(3) That, in the presence of both witnesses, the Testator: signed the paper counterpart of the will; acknowledged the Testator's signature as already made; or directed another individual to sign the paper counterpart of the will for the Testator in the Testator's presence.

(4) That the Testator executed the will as a free and voluntary act for the purpose expressed in the will.

(5) That each of the witnesses, in the presence of the Testator and of each other, signed one (1) or more other complete paper counterparts of the will as a witness.

(6) That each paper counterpart of the will that was signed by the witness was complete, in readable form, and with content identical to the paper counterpart signed by the Testator.

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(7) That the Testator was of sound mind when the will was executed.

(8) That, to the best knowledge of each witness, the Testator was at least eighteen (18) years of age at the time the will was executed or was a member of the armed forces or of the merchant marine of the United States or its allies.

DATED this [DATE], day of [MONTH], [YEAR].

[TESTATOR NAME]

Signature of Witness

Name of Witness

Signature of Witness

Name of Witness

DRAFTING NOTE: SELF-PROVING AFFIDAVIT

Although using a self-proving affidavit is not a requirement for a valid will or electronic will, it is good practice to include one (Ind. Code Ann. § 29-1-21-4(e)). A will that is self-proved may generally be admitted to probate without having to submit additional proof that the will was properly executed (Ind. Code Ann. § 29-1-5-3 and cmt.).

The form of a self-proving affidavit is codified in Ind. Code Ann. §§ 29-1-5-3.1(c) (for a traditional will) and 29-1-21-4(f) (for an electronic will). Counsel should use the second option for numbers 2 and 4, if using an electronic will. Generally, the software used to execute an electronic will includes the required self-proving affidavit language. Wills generally include self-proving language at the end of the instrument.

The will and self-proving affidavit do not require separate testator and witness signatures. A single signature of each of two witnesses in the presence of each other and in the presence of the signing testator both witnesses and self-proves the will. (Ind. Code Ann. §§ 29-1-5-3.1(a), 29-1-21-4(f), and *Dellinger v. First Source Bank*, 793 N.E.2d 1041, 1043-45 (Ind. 2003).)

However, if the testator executes the will and the witnesses execute it on an attestation clause, the will may be made self-proving later by attaching a self-proving clause signed by the testator and the witnesses that meets the requirements of the statute (Ind. Code Ann. § 29-1-5-3.1). Electronic wills, however, must be self-proved at signing and before they are electronically filed (Ind. Code Ann. § 29-1-21-4(e)).

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This form provides separate signature lines for a traditional will in case the attestation is later attached. If the testator and the witnesses wish to sign only once, counsel should remove the signature lines under the attestation and the page break between the attestation and self-proving affidavit pages (that is, effectively, the attestation

clause is part of the will, rather than a separate page).

For more information about wills, electronic wills, execution, and self-proving requirements in Indiana, see [State Q&A, Wills: Indiana: Questions 5 and 6](#).

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