

QUESTIONS ASKED BY NOTARY DURING EXECUTION CEREMONY FOR ESTATE PLANNING DOCUMENTS

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OATH

Immediately prior to notarizing all the estate planning, administer the following oath to the testator/principal/declarant and the witnesses:

Do you solemnly [swear] or [affirm] subject to the law of perjury that [the statements you make] [the contents of the document(s)] are true to the best of your knowledge and belief?

WILL – SELF-PROVING AFFIDAVIT

Questions for Testator:

1. [Testator], is this document your last will and testament?
2. Have you willingly made and executed your will?
3. Did you do so as your free act and deed?

Questions for Witnesses:

1. Did [testator] declare to you that this is his/her last will and testament?
2. Did [testator] execute this document as his/her last will and testament?
3. Did [testator] want [witnesses] to sign it as witnesses?
4. Did you sign the will as a witness?
5. Did you sign the will in [testator's] presence?
6. Did you sign the will at the request of [testator]?

¹ Texas notary and Governor Preston E. Smith Regents Professor of Law, Texas Tech University School of Law.

² Texas notary and J.D., St. Mary's University School of Law (Dec. 1998).

7. Was [testator] at the time of will execution eighteen years of age or over (or being under such age, was or had been lawfully married or was then a member of the armed forces of the United States or of an auxiliary thereof or of the Maritime Service)?
8. Was [testator] of sound mind?
9. Are you at least fourteen years of age?

DURABLE POWER OF ATTORNEY FOR PROPERTY MANAGEMENT

Statement by Notary:

“I remind you that you are still under oath.”

Questions for Principal:

Do you acknowledge this document before me as a notary public?

DECLARATION OF GUARDIAN

Statement by Notary:

“I remind you that you are still under oath.”

Questions for Declarant:

1. Do you declare that this instrument is your Declaration of Guardian in the Event of Later Incompetence or Need?
2. Do you declare that you made and executed this document for the purposes expressed in the Declaration?

Questions for Witnesses:

1. Do you declare that you are each fourteen years of age or older?
2. Do you declare that each of you saw the Declarant sign this Declaration?
3. Do you declare that each of you signed the Declaration as witnesses?
4. Do you declare that Declarant appeared to be of sound mind?

HIPAA AUTHORIZATION

Statement by Notary:

“I remind you that you are still under oath.”

Question for Principal:

Do you acknowledge this document before me as a notary public?

APPOINTMENT OF AGENT TO CONTROL DISPOSITION OF REMAINS

Statement by Notary:

“I remind you that you are still under oath.”

Question for Principal:

Do you acknowledge this document before me as a notary public?