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SCHEDULE

Paragraphs 4, 7 and 8

FORM 1 Form of application

Paragraph 4

SHERIFFDOM OF *(insert name of sheriffdom)*

AT *(insert place of sheriff court)*

APPLICATION UNDER THE REQUIREMENTS OF WRITING (SCOTLAND) ACT 1995

by

[A.B.] *(name and address)*

APPLICANT

1. The applicant is *(insert name and address of applicant and his interest in the document, e.g. executor-nominatee/dative)*.

2. This application is made *(insert details of the circumstances under which the application is made, e.g. incidental to the application by the above named executor(s) for confirmation to the estate of the deceased)*.

3. *(insert details of document and the reasons for seeking certification by the court or decree, as appropriate; e.g. "The document is a will dated (insert date of will) which bears to be signed by the deceased. No person has subscribed as a witness to the will as required by section 3(1) of the Requirements of Writing (Scotland) Act 1995. The document cannot therefore be presumed to have been subscribed by the grantor")*.

4. The applicant seeks a certificate *[or decree]* under *(insert appropriate statutory reference)* of the Requirements of Writing (Scotland) Act 1995 with respect to the aforementioned document.

(Signed)

Applicant
[or [X.Y.] *(insert name and business address)*
Solicitor for applicant]

(Date)

FORM 2 Form of affidavit

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Paragraph 7

AT (place and date) in the presence of [C.D.] (address) Justice of the Peace for (place) [or Notary Public] [or Commissioner for Oaths or other such person entitled to administer oaths (specify capacity)].

Compeared [E.F.] (name and address) who, being solemnly sworn and examined depones [or solemnly and sincerely affirms] that (insert evidence of the deponent in relation to the document and order sought, e.g. "I am well acquainted with the signature of [A.B.] (full name and address) and have seen and examined the signature on the will dated (date) and confirm that it is the signature of the said [A.B.]" [or "I was present at (place of execution) on (date of execution) and confirm that the alterations to the will were made by [A.B.] (full name and address) before execution" [or as the case may be]).

All of which is the truth as the deponent shall answer to God [or All of which is affirmed to be the truth].

Date Signed
[F.F.]
Signed
[C.D.]

The document referred to is produced herewith and signed by the deponent and the said [C.D.] as relative hereto.

FORM 3 Form of certificate of sheriff clerk

Paragraph 8

AT (insert name of sheriff court)
DATE (insert date of certificate)

By interlocutor of the sheriff dated (insert date) it is hereby certified in terms of (insert appropriate statutory reference) of the Requirements of Writing (Scotland) Act 1995 that (insert details of document and extent of certification, e.g. this will was subscribed by the granter [A.B.] or this will was subscribed on (date) and at (place)).

Signed
Sheriff clerk