

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

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Signature pages that comply with the requirements for execution of Tennessee 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

To be valid, a Tennessee will generally must be:

- Created by an individual (the testator) of sound mind 18 years of age or older (see [State Q&A, Wills, Tennessee: Question 3](#)).
- Signed by either:
 - the testator; or
 - another person in the testator’s presence and at the testator’s direction.
- Signed by two or more credible attesting witnesses who sign in the presence of the testator and each other.

(T.C.A. §§ 32-1-102 and 32-1-104; see [State Q&A, Wills, Tennessee: Will Execution Requirements](#).)

Neither the testator’s signature nor the signatures of the witnesses to the will must be notarized unless the will includes a self-proving affidavit (T.C.A. § 32-2-110; see Drafting Note, Affidavit Proving Will (Self-Proving Affidavit)).

This Standard Clause provides the signature pages that can be used with a Tennessee will including:

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

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 signed my Last Will in the presence of the persons witnessing this will at my request on this [DAY] day of [MONTH], [YEAR].

[TESTATOR NAME], Testator

SIGNED, DECLARED AND PUBLISHED by the said [TESTATOR NAME], as the Last Will of the testator, in the presence of us, the undersigned, who, at the testator’s request and in the sight and presence of the testator and each other, have subscribed our names hereto as attesting witnesses on the date above written.

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Name

Witness (Signature)

Witness (Print Name)

Witness (Signature)

Witness (Print Name)

Address

DRAFTING NOTE: SIGNATURE BLOCK

A will must be signed by:

- Either:
 - the testator; or
 - another person in the testator’s presence at the testator’s direction.
- At least two witnesses in the testator’s presence and each other’s presence.

(T.C.A. § 32-1-104.)

Testator’s Signature

If the testator is physically capable of signing the will, the testator should do so, even if the testator’s signature is shaky. If the testator’s signature looks different from previous signatures, or if the testator only can sign with a mark or initials, counsel should document this in the file. This documentation may help if the signature is later challenged.

Witness Signatures

At least two witnesses must sign the will (T.C.A. § 32-1-104; see [State Q&A, Wills, Tennessee: Witness Requirements](#)). Each should write their name and residence address beside their signatures.

If a person authorized to accept acknowledgments is available at the will signing, as is typical when a will and other estate planning documents are being signed, counsel should generally have the testator and witnesses execute the will and a self-proving affidavit contemporaneously. If so, best practice is for the testator and the witnesses to sign the will and sign a second time for the self-proving affidavit. If witnesses sign only a self-proving affidavit and those witness signatures to the affidavit are treated as signatures to the will, the affidavit does not also serve as a self-proving affidavit (no self-proving affidavit is created) (T.C.A. § 32-2-110; see [Drafting Note, Affidavit Proving Will \(Self-Proving Affidavit\)](#).)

None of the attesting witnesses should be a beneficiary under the will. If a witness is also a beneficiary, the disposition to that beneficiary is void unless there are at least two other attesting witnesses to the will who are not beneficiaries. If the disposition is void, the interested witness forfeits any portion of the disposition which exceeds the value of what the interested witness would have received if the testator died intestate. If the interested witness would not have received anything under Tennessee intestacy law, the interested witness loses the witness’s entire bequest. (T.C.A. § 32-1-103.)

Initialing Each Page

To minimize fraud, some attorneys have the testator initial each page of the will. If there is any concern about a person altering the will after execution, this is a good idea. Counsel could add in blank lines for initials at the bottom of each page or have the client initial on a blank space at the bottom of each page.

A downside of initialing is the extra time it takes at the will signing. There is also the risk that the testator will inadvertently skip a page at the signing, potentially resulting in a question about validity even absent any wrongful conduct. When using this approach, counsel should review each page of the will in the testator's presence right after it is signed to ensure that the testator has initialed every page.

AFFIDAVIT PROVING WILL

STATE OF TENNESSEE)
COUNTY OF [COUNTY])
)

Before me, a notary public in the above state and county, on this day personally appeared the persons whose names are subscribed below, known to me to be the testator and witnesses, respectively, whose names are subscribed to the annexed or foregoing instrument in their respective capacities. All of said persons being by me duly sworn, the testator declared to me and to the said witnesses in my presence that said instrument is the testator's Last Will and that the testator had willingly made and executed it as the testator's free act and deed for the purposes therein expressed. The witnesses, each upon oath, stated to me in the presence and hearing of the testator that the testator had declared to them that the instrument is the testator's Last Will and that the testator executed same as such and wanted each of them to sign it as a witness. Upon oath each witness stated further that the witness did sign the same as witness in the presence of each other and the testator and at the testator's request; that the testator was at that time 18 years of age or over and was of sound mind; that to the best of the knowledge of the witnesses, the testator was not under any restraint or undue influence or in any respect incompetent to make a Will; and that each of said witnesses was then at least 18 years of age.

[TESTATOR'S NAME], Testator

[FIRST WITNESS NAME], Witness

[SECOND WITNESS NAME], Witness

Subscribed and sworn to by the above-named testator and witnesses before me this [DAY] day of [MONTH], [YEAR].

Notary Public

My commission expires: _____

DRAFTING NOTE: AFFIDAVIT PROVING WILL (SELF-PROVING AFFIDAVIT)

Although using a self-proving affidavit is not a requirement to create a valid will in Tennessee, it the best practice to include one. The affidavit is not

considered to be part of the will itself, but rather it is a separate instrument. Tennessee courts consider a valid self-proving affidavit proof of the valid execution of the

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testator's will when the will is presented for probate and is not contested. Without a self-proving affidavit, the witnesses to the will are required to testify in-person or by sworn affidavit concerning facts to establish the due execution of the will at the time the instrument is offered for probate. The affidavit must be notarized by any officer authorized to administer oaths in or out-of-state. (T.C.A. § 32-2-110.)

The witnesses and testator should generally sign a self-proving affidavit when executing the will (the

witnesses and testator first sign the will and then, additionally, sign the self-proving affidavit), although a self-proving affidavit may be signed at a later date. If counsel is helping a testator in poor health, a notary is not readily available, and time is of the essence, counsel should advise the testator not to delay signing the will until a notary is available. However, if possible, the testator and witnesses should still sign a self-proving affidavit as soon as is practicable after the will is signed.

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