
❧ INADVERTENT TAMPERING WITH A WILL ❧

Mistakes happen! For example:

- when photocopying a will, one may have removed the staples and then stapled back the Will so that the previous holes are visible; or
- the Will was not on Will paper (with a red line on the left side of the page) and thinking that it is a copy, one may have punches holes in it or wrote some notes on it.

When a Will has been tampered with, you must prepare a *Form P4 – Affidavit of Applicant for Grant of Probate or Grant of Administration with Will Annexed (Long Form)* instead of *Form P3 – Short Form of Affidavit*. You should adapt paragraph 7(c) – Other Issues (see pages Chapter III B-3 – Forms of the Guide).

Always prepare Wills on special Will paper (see Chapter II-A – Wills Procedure, page 3) so that it is easy to tell that it is the original Will.



When you receive the original Will, either place it in the office vault, and if one is not available, make a copy (and scan and save the electronic copy on file) and place the original in an envelope or plastic sleeve and indicate on the envelope or sleeve that it is the original.

The person who made the unfortunate mistake will have to prepare an affidavit explaining the mistake. The Affidavit must be filed with the application. Remember to change paragraph 7 (second option) of *Form P2 – Submission* to include this Affidavit.

This is the *{number}* affidavit of *{Name}* in this case and was made on _____, 20__

No. _____
_____Registry

In the Supreme Court of British Columbia

In the Matter of the Estate of *{NAME OF DECEASED}*, Deceased

AFFIDAVIT

I, *{NAME}*, *{Occupation}* of *{Address}*, **SWEAR THAT:**

1. I am a partner/associate/paralegal with the law firm of *{name of law firm}*, solicitors for *{NAME OF APPLICANT/EXECUTOR}*, the executor of the Will of the Deceased, and as such have personal knowledge of the facts and matters hereinafter deposed to, except where stated to be based upon information and belief, and where so stated, I verily believe them to be true.
2. When reviewing the file, I inadvertently ...
 - ◆ ... removed the staples in the original Will of the Deceased *{dated}* in order to photocopy same and then re-stapled the Will.
 - ◆ ... punched holes in the top of the original Will of the Deceased dated *{dated}*.
3. Other than *{describe action – for example, punching holes, removing the staples}*, I did not tamper with the original Will nor remove any pages.

SWORN BEFORE ME at _____)
 _____, Province of British)
 Columbia, this ____ day of _____,)
 20__)
) _____)
) *{NAME}*)
) _____)
)
 A commissioner for taking affidavits)
 in British Columbia)