FIRST CHOICE
YOUR TRUSTED SERVICE

First Choice Mobile Notary & Apostille
(866) 828-6856
Book an Appointment Online
www.firstchoicenotary.com

How to Complete a New York Self-Proving Will Affidavit

Affidavit of Attesting Witnesses — New York SCPA § 1406

INSTRUCTIONS — KEEP FOR YOUR RECORDS. DO NOT ATTACH THIS PAGE TO YOUR FORM.

About this form. This affidavit is signed by the **two witnesses to your will**, under oath before a notary, right after the will is signed. When the will is later probated, the Surrogate's Court can accept this sworn statement **instead of tracking down the witnesses** to testify. It saves your family time and cost. It does not replace the will itself.

1 Sign the will first

New York requires the will maker to sign at the end of the will, in the presence of (or acknowledged to) at least two witnesses, and to declare that it is their will. The witnesses then sign at the end of the will.

2 Complete the affidavit right away

Enter the will maker's name, the date of the will, the number of pages and the place of signing. Have both witnesses review each statement; they must be true.

3 Witnesses swear before a notary

The witnesses sign this affidavit in front of a notary and swear (or affirm) it is true. The notary **cannot** be one of the will witnesses. **First Choice can provide witnesses and the notary at your home or facility.**

4 Keep it with the original will

Staple the affidavit to the original will and store them together in a safe place.

Good to Know

- Witnesses should be adults who do not inherit under the will. A gift to a witness can be void unless there are two other disinterested witnesses.
- If the will is later changed by a codicil, a new affidavit should be signed for the codicil.
- The Surrogate's Court can still ask a witness to testify if someone objects to the will.

Need a Notary? We Come to You.

Homes • Hospitals • Care Facilities • Offices
Mobile Notary, Witness & Apostille Services

New York-Commissioned Notaries • Serving New York

Call us anytime
(866) 828-6856
Book an Appointment Online
www.firstchoicenotary.com

Have questions about this form? To consult with an attorney, contact **Gavrilov & Brooks Law Firm** at **(916) 504-0529** or **www.gavrilovlaw.com**, 2315 Capitol Avenue, Sacramento, CA 95816. **Attorneys licensed in New York.** Main headquarters in Sacramento, California.

This form is provided as a free convenience. First Choice Mobile Notary & Apostille is not a law firm, and a notary public cannot give legal advice or help you decide what to write on this form. These instructions are general information only and are not legal advice. If you have questions about your situation, consult a licensed New York attorney.

© 2026 First Choice Mobile Notary & Apostille. Free for personal use. Do not remove this notice or redistribute without permission.

AFFIDAVIT OF ATTESTING WITNESSES

Self-Proving Will Affidavit — New York Surrogate's Court Procedure Act § 1406

State of New York)
) ss.:
County of _____)

Each of the undersigned, being duly sworn, deposes and says:

1. We witnessed the execution of the Last Will and Testament of _____ (the "Testator"), dated _____, consisting of _____ pages, signed at _____,

address / city and state where the will was signed

under the supervision of _____ (if any).

2. The Testator subscribed the Will at the end thereof in our presence, or acknowledged to each of us that the signature at the end of the Will was the Testator's own signature.

3. At the time of subscribing or acknowledging the signature, the Testator declared the instrument to be the Testator's Last Will and Testament.

4. Each of us then signed our name as a witness at the end of the Will at the request of the Testator and in the presence of the Testator and of each other.

5. At the time of execution, the Testator was over eighteen years of age and, in our opinion, of sound mind, memory and understanding, not under any restraint or in any respect incompetent to make a will.

6. The Testator could read, write and converse in the English language, and was not suffering from defects of sight, hearing or speech, or from any other physical or mental impairment, which would affect the Testator's capacity to make a valid will. The Will was executed as a single, original instrument and was not executed in counterparts.

7. Each of us was acquainted with the Testator at the time of execution, or the Testator's identity was established to our satisfaction. We make this affidavit at the request of the Testator.

Witness 1 signature	Witness 2 signature
Witness 1 printed name	Witness 2 printed name
Witness 1 residence address	Witness 2 residence address
Witness 1 city, state, zip	Witness 2 city, state, zip

© 2026 First Choice Mobile Notary & Apostille. Free for personal use. Do not remove this notice or redistribute without permission.

© 2026 First Choice Mobile Notary & Apostille • Serving New York • (866) 828-6856 | www.firstchoicenotary.com

JURAT

Severally sworn to (or affirmed) before me this _____ day of _____, _____.

(Notary stamp)

_____

Signature of Notary Public

Notary Public, State of New York; Qualified in _____ County

Registration No. _____; Commission Expires _____

The notary public may not be a party to or a witness to the Will.

© 2026 First Choice Mobile Notary & Apostille. Free for personal use. Do not remove this notice or redistribute without permission.

© 2026 First Choice Mobile Notary & Apostille • Serving New York • (866) 828-6856 | www.firstchoicenotary.com