

FORM 74F

AFFIDAVIT OF EXECUTION OF WILL

THE QUEEN'S BENCH  
WINNIPEG CENTRE

IN THE MATTER OF THE WILL AND TESTAMENT OF **ALBERT BENSIMON**,  
deceased.

I, FRANK GIESBRECHT, of the City of Brandon, in the Province of Manitoba,  
hairstylist, make oath and say:

1. THAT I knew (~~know~~) **ALBERT BENSIMON**, (late) of the City of Winnipeg in  
the Province of Manitoba, real estate agent, (deceased).
2. THAT on the 1<sup>st</sup> day of December, 2012, I was personally present and did see the  
paper writing hereunto annexed and marked as exhibit "A" to this affidavit, executed by  
the said ALBERT BENSIMON, as it now appears, as and for (his/~~her~~) last will and  
testament by signing (his/~~her~~) name at the foot or end thereof and that at the time of the  
execution of the will the testator was of the full age of 18 years and, in my opinion, the  
testator was of sound mind, memory, and understanding at the time of execution of the  
will.

NOTE: If the will was signed by a third party for and on behalf of the testator at the  
testator's request, paragraph 2 should read: THAT on the \_\_ day of \_\_\_\_\_, I was  
personally present and did see the paper writing hereunto annexed and marked as exhibit  
"A" to this affidavit executed by the said (testator's name) \_\_\_\_\_, as it now appears, as  
and for (his/her) last will and testament by (name of signor) signing the name of the  
testator to the will at the request of, and in the presence of, the testator, who was  
physically unable to sign (his/her) name or make (his/her) mark, at the foot or end  
thereof and that at the time of the execution of the will the testator was of the full age of  
18 years and, in my opinion, the testator was of sound mind, memory and understanding  
at the time of execution of the will.

3. THAT the will was so executed by the testator in my presence and the presence of  
IOANNA JANCZOWITZ of the Town of Beausejour in the Province of Manitoba, karate  
instructor, who were both present at the same time; whereupon (~~he~~/she) and I did, in the  
presence of the testator, attest and subscribe the will as witnesses.
4. THAT neither I nor IOANNA JANCZOWITZ is a beneficiary, nor the husband or  
wife of a beneficiary, named in the will (or the contrary, as the case may be).

( Note: complete paragraph 5 only if the will or codicil was executed on or after June 30, 2004.)

5. THAT neither I nor IOANNA JANCZOWITZ is a beneficiary, nor the common-law partner, as defined in subsection 12(1) of *The Wills Act* , of a beneficiary, named in the will (or the contrary, as the case may be).

NOTE: Subsection 12(1) of *The Wills Act* defines "common-law partner" as follows:

"**common-law partner**" of a person means

(a) another person who, with the person, registers a common-law relationship under section 13.1 of *The Vital Statistics Act* , and who is cohabiting with the person, or

(b) another person who, not being married to the person is cohabiting with him or her in a conjugal relationship of some permanence.

(If the deceased was a marksman or blind, add)

6. That prior to the execution of the will by the testator, it was read over to (him/her) by me (or by in my presence), and the testator at that time had a knowledge of its contents and appeared perfectly to understand it.

7. That no other copy of the will was executed by the testator.

SWORN before me at the City of )  
Winnipeg, in the Province of )  
Manitoba, this )  
12th day of March, 2012 )

Frank Giesbrecht  
Frank Giesbrecht

Hamid Ibrahim )  
A Notary Public in and for the )  
Province of Manitoba. )

\* (The necessary modifications should be made to this Form if it relates to the execution of a codicil.)