

Signature Pages for Will and Self-Proving Declaration (WA)

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Will signature pages that comply with the execution requirements for Washington wills, including an attestation clause, signature lines for the testator and witnesses, and a self-proving declaration. This Standard Clause contains integrated notes and drafting tips.

DRAFTING NOTE: READ THIS BEFORE USING DOCUMENT

To be valid in Washington, a will generally must be:

- In a writing.
- Signed by the testator or by another under the testator's direction and in the testator's presence.
- Attested to by two or more competent witnesses while in the testator's presence and at the testator's direction or request.

(RCW 11.12.020.) Subject to certain strict requirements, Washington permits:

- Electronic wills ([State Q&A, Wills: Question 5: Electronic Wills](#)).
- Nuncupative (oral) wills (see [State Q&A, Wills: Question 5: Oral \(Nuncupative\) Wills](#)).

Washington does not require a will include a self-proving declaration to be a valid will. However, it is standard practice to include a self-proving declaration as part of a will absent good reason not to do so. The declaration should be signed under the requirements of RCW 5.50.010 to 5.50.901. With a few exceptions, a will that is self-proved generally eliminates the need to have witnesses appear in court or provide declarations after death (RCW 11.20.020; *In re Estate of Starkel*, 134 P.3d 1197, 1203 (Wash. Ct. App. 2006)).

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

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

Electronic Wills

Washington permits electronic wills. An electronic will is a will that is executed under the Washington Uniform Electronic Wills Act. (WUEWA) (RCW 11.12.400 to 11.12.491.)

Creating and executing electronic wills in Washington requires adherence to detailed processes. For additional information regarding electronic wills in Washington, see [Standard Clause, Signature Pages for Electronic Will and Self-Proving Declaration \(WA\)](#).

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.

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IN WITNESS WHEREOF, I have signed this Will on the [DATE] day of [MONTH], [YEAR].

[TESTATOR NAME], Testator

DRAFTING NOTE: SIGNATURE BLOCK

A written will must be signed:

- By the testator or by another at the testator's direction and in the testator's presence.
- By two or more competent witnesses while in the testator's presence and at the testator's direction or request.

(RCW 11.12.020.)

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 prior signatures or the testator only can sign with initials, the attorney should carefully document this in the file, which may help in the event the signature is later challenged.

If necessary, the testator can have another person sign for the testator (RCW 11.12.030). However, the testator must have the capacity to create the will (testamentary capacity) and may only lack the

physical capability to sign (see [State Q&A, Wills: Washington; Question 3](#)).

Witness Signatures

At least two witnesses must sign a will. To serve as witnesses, the individuals must be competent (RCW 11.12.020). To be competent, a witness must be able to, at the time of attestation, legally testify in court to the facts which they attest by signing the will (not legally disqualified from testifying in court by reason of mental incapacity, personal interest, or conviction of a crime) (*In re Mitchell's Estate*, 249 P.2d 385, 394 (Wash. 1952)).

A beneficiary or other interested person should generally not serve as a witness. But, if they do, this does not in itself invalidate the will, though it may invalidate or reduce any bequest to the interested person. (RCW 11.12.160.)

Counsel may wish to keep a record of the witnesses' addresses and contact information for the files, in case they need to be contacted later.

SELF-PROVING DECLARATION

EACH OF THE UNDERSIGNED DECLARES UNDER THE PENALTY OF PERJURY under the laws of the State of Washington that the foregoing instrument was on the date hereof, by said Testator, [TESTATOR NAME], signed and declared by the Testator to be the Testator's Will in the presence of us who at the Testator's request and in the Testator's presence and in the presence of each other, have hereunto subscribed our names as witnesses thereto; and the Testator appears to be over the age of eighteen years, to be of sound and disposing mind and memory and otherwise to be competent in every respect to make a Will, and to be free of any undue influence or fraud; and the undersigned make this attestation and declaration at the Testator's request.

[FIRST WITNESS NAME]

[SECOND WITNESS NAME]

Signature Pages for Will and Self-Proving Declaration (WA)

DECLARATION OF WITNESSES

STATE OF WASHINGTON)
COUNTY OF [COUNTY NAME])ss.
)

The undersigned, being first duly sworn, on oath, each for himself or herself and not one for the other, depose and say:

Each of us is over the age of eighteen (18) years and competent to be a witness to testify in court under oath as to the execution of the attached will; the Testator, [TESTATOR NAME], declared to us that the document is [his/her/their] Last Will and Testament, and [he/she/they] asked that we witness [his/her/their] signature; [he/she/they] signed the will in our presence, and we, in [his/her/their] presence, and at [his/her/their] request, signed our names on the will as witnesses. The Testator was over the age of eighteen (18) years at the time [he/she/they] signed the will and, in our opinion, was in good mental health and was competent to make a will, and was not acting under fear, coercion, or duress, and was competent to judge the extent of [his/her/their] bounty.

At the request of the Testator, we make this declaration attached to [his/her/their] will.

Witness

Witness

SUBSCRIBED and SWORN to before me this [DAY] day of [MONTH], [YEAR].

(Print name)_____

NOTARY PUBLIC in and for the state of Washington

My commission expires _____

DRAFTING NOTE: SELF-PROVING DECLARATION

This Standard Document includes a form of a self-proving declaration for Washington State. There is no statutory form for a self-proving declaration for Washington.

Washington does not require a will include a self-proving declaration to be a valid will. However, counsel should include one. A will that

is self-proved is generally admitted to probate without having to submit additional proof that it was executed in conformity with Washington law (RCW 11.20.020(2)).

A self-proving declaration is usually made a part of a will as an attachment at the end, but it can be prepared after the will's execution. The

Signature Pages for Will and Self-Proving Declaration (WA)

self-proving declaration creates a rebuttable presumption that the signature and witness requirements were met at the time of execution

without the need for live testimony or affidavits from the witnesses after the testator's death (RCW 11.20.020(2)).

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