

TIPS FOR YOUR AFFIDAVIT

Part 1 - Writing your affidavit

1) It is beneficial to number the paragraphs within the affidavit so when others discuss the document an efficient reference can be made to the paragraph (e.g. "Please refer to paragraph four.")

2) State the facts, not your opinions - report what you saw, heard, smelled, tasted or touched (facts). You can communicate what you felt but not what others felt (that is speculation)

a) Incorrect: Sally is a good student (that is your opinion)

b) Correct: Sally earned an "A" grade on Sally's report "The Life of Butterflies" (exhibit A).

c) Incorrect: Affiant and Todd Williams felt scared and feared for our lives. (Affiant is speculating on the feelings of Todd Williams)

d) Correct: Affiant felt scared and feared for Affiant's life.

4) Affidavits cannot express conclusions of law

a) Incorrect: On or about July 18, 2014, Affiant did sign Form #123 (exhibit B) with the notation "under duress", therefore, Affiant cannot be held to the contract.

b) Correct: On or about July 18, 2014, Affiant did sign Form #123 with the notation "under duress" (exhibit B).

5) Refer to yourself as Affiant throughout the affidavit (do not use the pronoun "I").

eg. Affiant arrived at 101 Main Street at approximately 10 AM and Affiant parked Affiant's automobile on the south-side of the street.

6) Avoid pronouns (he, she, they, them, etc.). Refer to individuals by name--- William Smith is William Smith, not he or him.

eg. Affiant encountered William Smith on the sidewalk in front of 101 Main Street at approximately 10:05 AM. Affiant observed the right hand of William Smith to be in a cast.

Part 2 - Attaching documents to affidavits

If you refer to a document within your affidavit, you must attach a copy of it to your affidavit (commonly called "exhibits" and more formally known as an "annexures").

If there is more than one exhibit, you must reference each exhibit consecutively (eg. Exhibit A, Exhibit B and so on). You also need to number the pages of any exhibit that has more than one page.

Once the exhibits are labeled (exhibit A) and the pages are numbered, it is a good idea to autograph and date each page of each exhibit.

When you refer to the exhibit in your affidavit, make reference to the exhibit and all the included pages.

(eg. Affiant suffered two broken ribs, a cracked elbow and a broken nose as evidenced by the Mercy Hospital Medical Report dated June 16, 2015 (exhibit A, pages 1, 2 and 3) as well as the attached police report photograph (exhibit B).