

Article 98

Canon 7479

The key elements of the form of a valid Affidavit and its Annexures are:

- (i) **Quality Paper** means that the paper used is of a durable quality and standard to the size used in normal jurisdiction within the region; and
- (ii) **One Sided** means that the Affidavit is preferably written or printed on only one side of the page; and
- (iii) **Legible Print** means that all writing and printing is clear, sharp and legible of a 12 point serif font (e.g. Times); and
- (iv) **Numbered Pages** means that all individual pages of the Affidavit, excluding Annexures are uniquely numbered in ascending order beginning with 1; and
- (v) **Numbered Clauses** means that all individual clauses of the Affidavit itself are uniquely numbered in square brackets in ascending order, beginning with [1]; and
- (vi) **Securely Fastened** means Individual Pages of the Affidavit are securely fastened together along with any Annexures; and
- (vii) **Clear Margins** means the spacing of writing or printing of the Affidavit itself should allow for a minimum of 25mm on the left and right margin as well as the top and bottom margins of each page; and
- (viii) **Double Spacing** means the spacing between the writing or printing of each line of the Affidavit itself allows for a space of at least 3mm; and
- (ix) **Words not Figures** means that all expressions of dates, sums and other numbers, except the numbering of paragraphs, pages or reference numbers in association to the matter are in words, not figures or numbers; and
- (x) **Form of Law** means the specific name of the Public Statute or By-laws under which the Affidavit is formed and issued is clearly identified as the first printed title at the top of the first page; and
- (xi) **Body Politic** means the specific name of the Body Politic, or Corporation under which the Form of Law mentioned was issued as the second printed title of the Affidavit; and
- (xii) **Deponent** means the specific name of the one making the Affidavit and the word “Deponent” clearly visible as the first name of any party; and
- (xiii) **Respondent** means the specific name of the respondent(s) and the word “Respondent” clearly visible as the second party; and
- (xiv) **Issue Number** means a unique and specific reference number associated with the records of the Deponent for the matter, which may then be repeated on any subsequent material, motions or Affidavits; and
- (xv) **Foreign Reference Number** means any foreign reference number associated with claims, or matters raised by the other party, always listed in square brackets; and
- (xvi) **Filed Date** means the Date filed in Words; and (xvii) **Heading** means if the Affidavit is a simple Affidavit (and NOT designed for judicial motion),

then the word AFFIDAVIT is clearly identifying the instrument as an Affidavit; and

(xviii) Preamble means the opening sentence or statement which is not normally numbered, in which the Deponent states their name, their address, their official capacity and whether the following facts are sworn (under oath) or affirmed as evidence. An example is I, FRED BLOGGS, the duly authorized Attorney-In-Fact, of 22 Bloggs Street, Bloggsville, do solemnly and sincerely say on Oath in Good Faith and without Prejudice: ; and

(xix) Recitals means the second sentence or first numbered paragraph directly after the Preamble, which is normally numbered as [1] in which the Deponent as witness states their age, their mental state, their qualification to make an Affidavit and the fact that the Affidavit was done without duress or promise. An example is: [1] I was born on the 10th January 1963 and am 50 years of age. I am of sound mind and reason and do sincerely and honestly affirm the present instrument to be my own words, written by me, given freely and without duress and expressing accurately to the best of my ability the facts herein of which I have witnessed firsthand and with expert knowledge; and

(xx) Decretum means the body of first hand facts and expert knowledge in chronological and logical order, expressing one key fact per paragraph in ascending number order; and

(xxi) Testamentum means the final numbered paragraph expressing the testament of the witness as Deponent that everything they have expressed is true and correct. An example is: All the facts and circumstances deposed herein are within my own firsthand knowledge except such as are deposed herein from information in accord with my reasonable expert knowledge as appears within the present Affidavit; and

(xxii) Jurat means that the Deponent must sign a declaration that they have taken an Oath or affirmation at the end of the Affidavit including the date of the Affidavit and Oath and the place the Oath was taken. The person then before whom the Affidavit is sworn must write their name and address together with the capacity in which they are entitled to take the Affidavit; and

(xxiii) Signing of Pages means that the Deponent and the Authorized Witness(es) must sign each page as validation; and

(xxiv) Reference means that where a Deponent refers to a document or documents within the body of the Affidavit, copies of the document or documents may be made an Annexure to the Affidavit; and

(xxv) Annexure Numbering means each Exhibit at the back of the Affidavit should be clearly and uniquely numbered in ascending order, beginning with 1; and

(xxvi) Certificate of Annexures means where a document or documents is exhibited to an affidavit, the Annexure must be identified as such by a Certificate of Annexures attached at the front of all Annexures entitled in the same manner as the affidavit and signed by the person before whom the affidavit is made. For example: “This is the annexure marked Annexure 1 referred to in the affidavit of Fred Bloggs sworn/affirmed on [date] before me.”; and

(xxvii) Certificate of Witness means that the Authorized Witness who witnessed the sworn Oath and signing of the Affidavit also provides a Certification as to proof of the identity of the person making the Affidavit.

Canon 7480

The norms and standards concerning the Affidavits are:

- (i) *Right of Oath upon Sacred Scripture*** means a Deponent has the sacred Right to choose upon which sacred scripture he or she swears. Thus it can be the Holy Bible, or Pactum de Singularis Caelum, or Yapa, or Al Sufian or even Lebor Clann Glas; and
- (ii) *Rules of Evidence*** means in most jurisdictions, the same rules of Evidence apply to an Affidavit as apply to sworn oral evidence; and
- (iii) *First Hand Facts*** means an Affidavit can only be about first hand facts and knowledge which the Deponent has witnessed or has expert knowledge. A valid Affidavit can never contain opinion, hearsay or supposition. To claim someone broke the law without actually witnessing the event is false testimony and inadmissible as Evidence; and
- (iv) *Affidavit is not Pleading*** means that the purpose of an Affidavit is not to admit, deny or argue the claims of another party. While a fact of an Affidavit may refer to receiving a claim or the Affidavit of another party, the contents of such instruments are not relevant except in referring to firsthand knowledge of facts; and
- (v) *Affidavit is not Petition*** means that the purpose of an Affidavit is not to petition a Justice or Magistrate to act or not act; and
- (vi) *In Propria Persona*** means all valid Affidavits are from the perspective of 1st person in active voice (not past tense or passive) and not as an agent or a thing; and
- (vii) *Good Faith and Clean Hands*** means all valid Affidavits are from the perspective of good faith and clean hands without prejudice; and
- (viii) *Affidavit Stands as Testimony*** having to attend as a witness as to its truthfulness, unless formally challenged in writing by the other parties prior to the next hearing or court procedure; and
- (ix) *Affidavit Service*** means that in order for an Affidavit to be replied upon, it must be served on all relevant parties prior to a hearing or within the limits of timetable of service of a matter. Failure to serve all parties in good faith prior to an actual hearing of a matter may result in the Affidavit being denied acceptance except by leave of the court; and
- (x) *Proof of Service*** means that Proof of Service and Notice is sufficient evidence that an Affidavit has been delivered and received by the other parties within reasonable time. An Affidavit of Service might also be formed as further evidence of Service; and
- (xi) *Filing of Affidavit*** means that an Affidavit is filed before or after Proof of Service to other parties, which depends upon court procedures in each jurisdiction. Generally, unless the Affidavit is in support of a formal application (or motion), an Affidavit does not need to be filed before being served on the other Parties.

Canon 7481

An Inferior Affidavit may be in Public Form or Private Form:

- (i) A Public Form is a form of Inferior Affidavit prescribed by Statute whereas a Private Form of Affidavit is one prescribed by a corporation or entity complying to their internal bylaws or policies; and
- (ii) Any and all Roman Officials have the right under Inferior Western-Roman Law to deny an Affidavit where it contains major defects, or irrational and incomprehensible language or when a person seeks to put a private foreign form into a public forum; and
- (iii) Unless otherwise declared to be a Public Forum under Public Laws (Statutes), an Inferior Roman Court may deny the entry of an Affidavit onto the record if it does not comply exactly to their private standards in defiance of Public Statute; and
- (iv) The late service or failure to properly serve an Affidavit or have it filed in a timely manner may result in a Court denying the Affidavit and refusing leave of the Court to have it added to the Record.