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How to Complete Your Georgia Affidavit of Descent

Affidavit Relating to Title to Land • Formatted for recording

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

About this form. An affidavit of descent is a sworn statement, usually by a family member who knows the facts, that **identifies a deceased owner's heirs** and confirms that the estate's debts are paid. Recorded with the county, it helps show who inherited Georgia real estate, often when there was no will or no formal administration. Title companies may require it before a sale or loan.

1. **Recording information (top of first page)**
   Enter who prepared the deed and where the Clerk should mail it after recording. Leave the box on the right blank for the Clerk.
2. **Decedent and estate**
   Enter the decedent's name, date of death and last address, and check whether there was a will and whether the estate went through probate.
3. **List every heir**
   Name each heir or beneficiary, their relationship to the decedent and their address. Include children of any heir who died earlier.
4. **Describe the property**
   Copy the legal description from the decedent's deed.
5. **Sign before a notary**
   You swear the facts are true, so sign only in front of the notary. The affiant should be a person with personal knowledge, ideally not the only one who benefits. Bring a current photo ID and the death certificate.

Signing requirements: Signed and sworn by the affiant before a notary public, then recorded.

After It's Signed

- Record it with the Clerk of Superior Court in the county where the property is located. Title companies often ask for a certified death certificate as well.
- Whether heirs can sell without a probate case depends on the facts. Ask an attorney or your closing attorney before relying on this affidavit for a sale.

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Have questions about your Affidavit of Descent? To consult with an attorney, contact **Gavrilov & Brooks Law Firm** at **(916) 504-0529** or **www.gavrilovlaw.com**.

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After recording, return to:

This instrument prepared by:

Space above 3" reserved for Clerk's recording use

Tax parcel ID number

STATE OF GEORGIA
COUNTY OF

AFFIDAVIT OF DESCENT

Affidavit Relating to Title to Land • O.C.G.A. § 44-2-20

Personally appeared before me, the undersigned officer duly authorized to administer oaths,

Name of affiant

Relationship to decedent

Address of affiant

who, being first duly sworn, deposes and says that the affiant has personal knowledge of the following facts:

1. Decedent. The following person (the "Decedent") died on the date below:

Name of decedent

Date of death

Last address and county of domicile

2. Will and administration. (check all that apply)

The Decedent died **without a will** (intestate).

The Decedent left a will, which was probated in the Probate Court of _____ County, case no. _____.

No administration of the Decedent's estate is pending, and none is necessary.

An Order Declaring No Administration Necessary was entered by the Probate Court of _____ County on _____.

3. Marital status. At death the Decedent was: married to _____ / unmarried / widowed / divorced (circle one).

4. Heirs. The Decedent's heirs at law (or beneficiaries under the will), with their relationship, address and age if a minor, are:

5. Debts. All debts of the Decedent and of the estate have been paid, or the heirs have agreed to pay them, except: _____ (write "none" if none).

6. Real estate. At death the Decedent owned the following real property, which descended to the heirs named above:

Street address of the property (if any)

Legal description (copy exactly from the prior deed; attach as Exhibit A if more space is needed)

7. Purpose. This affidavit is made to be recorded under O.C.G.A. § 44-2-20 as evidence of the facts stated, and to induce purchasers, lenders and title insurers to rely on it.

SIGNATURE OF AFFIANT

Sign only in front of the notary.

X _____ _____

Signature of affiant Date

Printed name of affiant

NOTARY JURAT

State of Georgia
County of _____

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20____, by _____ (name of affiant), who proved to me on the basis of satisfactory evidence to be the person who appeared before me.

_____ (Seal)
Signature of notary public

_____
Printed name of notary public

Notary Public, _____ County, Georgia
My commission expires: _____

Notary seal