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How to Complete Your Texas Affidavit of Heirship

Affidavit of Facts Concerning the Identity of Heirs (Texas Estates Code Section 203.002)

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

About this form. When a Texas property owner dies without a will and no probate is opened, an affidavit of heirship identifies the heirs and is recorded in the county property records. It is the most common way Texas families transfer inherited real estate without probate.

1. **Who signs**
   The affiant must be someone who knew the decedent and is personally familiar with the family and marital history. It is best if the affiant is not an heir.
2. **Complete every numbered item (Pages 1–3)**
   Give full names, birth dates, addresses, and dates of death. Write “none” where an item does not apply. Attach extra pages if needed.
3. **Disinterested witnesses (Page 4, recommended)**
   Title companies commonly require two people who knew the family and will inherit nothing to also swear to the facts. We can provide notaries for everyone at one appointment.
4. **Swear before a notary (Pages 3–4)**
   Do not sign ahead of time. The affiant and any witnesses each sign under oath before the notary with a current, government-issued photo ID.

After It’s Signed

- Record the original with the county clerk in the county where the property is located. Texas county clerks now require photo identification from anyone presenting a real property document for recording in person, so bring your ID.
- After it has been recorded for five years, a recorded affidavit of heirship becomes prima facie evidence of the facts it states.
- Title companies often require an affidavit of heirship before heirs can sell or refinance inherited property. Ask the title company what it requires before signing.

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Have questions about this document? To consult with an attorney, contact **Gavrilov & Brooks Law Firm** at **(916) 504-0529** or **www.gavrilovlaw.com**. Main headquarters: 2315 Capitol Avenue, Sacramento, CA 95816.

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(Space reserved for county clerk recording information)

After recording, return to:

Name

Mailing address (street, city, state, ZIP)

AFFIDAVIT OF FACTS CONCERNING THE IDENTITY OF HEIRS

(Texas Estates Code Section 203.002)

Before me, the undersigned authority, on this day personally appeared the affiant named below ("Affiant") who, being first duly sworn, upon his/her oath states:

1. My name is

Name of affiant

and I live at (address of affiant's residence)

I am personally familiar with the family and marital history of

Name of decedent ("Decedent")

and I have personal knowledge of the facts stated in this affidavit.

2. I knew decedent from

Date

until (date)

Decedent died on (date)

Place of death

At the time of decedent's death, decedent's residence was (address)

3. Decedent's marital history was as follows (if decedent's spouse is deceased, insert date and place of spouse's death):

4. Decedent had the following children (insert name, birth date, name of other parent, and current address of child, or date of death of child and descendants of deceased child, as applicable, for each child):

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5. Decedent did not have or adopt any other children and did not take any other children into decedent's home or raise any other children, except (insert name of child or names of children, or state "none"):

6. (Include if decedent was not survived by descendants.) Decedent's mother was (insert name, birth date, and current address or date of death of mother, as applicable):

7. (Include if decedent was not survived by descendants.) Decedent's father was (insert name, birth date, and current address or date of death of father, as applicable):

8. (Include if decedent was not survived by descendants or by both mother and father.) Decedent had the following siblings (insert name, birth date, and current address or date of death of each sibling and parents of each sibling and descendants of each deceased sibling, as applicable, or state "none"):

9. (Optional.) The following persons have knowledge regarding the decedent, the identity of decedent's children, if any, parents, or siblings, if any (insert names of persons with knowledge, or state "none"):

10. Decedent died without leaving a written will. (Modify statement if decedent left a written will.)

11. There has been no administration of decedent's estate. (Modify statement if there has been administration of decedent's estate.)

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12. Decedent left no debts that are unpaid, except (insert list of debts, or state “none”):

13. There are no unpaid estate or inheritance taxes, except (insert list of unpaid taxes, or state “none”):

14. To the best of my knowledge, decedent owned an interest in the following real property (insert list of real property in which decedent owned an interest, or state “none”):

Include county and legal description; attach Exhibit A if needed

15. (Optional.) The following were the heirs of decedent (insert names of heirs):

16. (Insert additional information as appropriate, such as size of the decedent’s estate.)

Signed this day of | month | year

X

(signature of affiant)

Printed name

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JURAT FOR AFFIANT

STATE OF TEXAS §

COUNTY OF _____ §

Sworn to and subscribed before me on

Date _____ by (name of affiant) _____

X _____

Notary Public, State of Texas

(Notary seal)

Notary's printed name _____

Notary ID number _____ My commission expires _____

STATEMENTS OF DISINTERESTED WITNESSES (recommended; commonly required by title companies)

Each of us, being duly sworn, states that I am not entitled to any portion of the Decedent's estate, I have no claim against any portion of the Decedent's estate, and I have personal knowledge of the family history stated above, which is true and correct.

X _____

Signature of first witness

Printed name _____

Address of first witness _____

X _____

Signature of second witness

Printed name _____

Address of second witness _____

JURAT FOR WITNESSES

STATE OF TEXAS §

COUNTY OF _____ §

Sworn to and subscribed before me on

Date _____ by (name of witnesses) _____

X _____

Notary Public, State of Texas

(Notary seal)

Notary's printed name _____

Notary ID number _____ My commission expires _____

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