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# How to Complete Your Texas Lost Note Affidavit

Affidavit of Lost Promissory Note

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

**About this form.** When the original promissory note is lost, the holder signs this sworn statement so the debt can still be enforced, released, or paid off.

1. **Who signs**
   The lender or current holder of the note, or an authorized officer of the holder.
2. **Describe the note (Page 1)**
   Give the date, amount, borrower, and any deed of trust that secures it.
3. **Sign under oath before a notary**
   Do not sign ahead of time. Sign in front of the notary, who will place you under oath. Bring a current, government-issued photo ID.

## After It's Signed

- Title companies often require this affidavit, plus an indemnity, before a payoff or release of lien.
- For use in another country, the notarized document may need an apostille from the Texas Secretary of State. We can handle this for you.

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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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# AFFIDAVIT OF LOST NOTE

**Affiant:**

Full legal name | Date of birth (optional) | Telephone

Residence address (street, city, state, ZIP)

Before me, the undersigned notary, on this day personally appeared the affiant named above, who, being by me first duly sworn, upon oath stated:

1. I am the owner and holder (or authorized officer of the holder) of the following promissory note:

Date of note | Original amount ($) | Maker / borrower

Original payee | Secured by (deed of trust recording information, if any)

2. The original note has been lost, misplaced, or destroyed, and I cannot locate it after a diligent search. The circumstances are:

3. The note has not been paid in full, sold, assigned, pledged, or otherwise transferred by me, and I was entitled to enforce it when loss of possession occurred. The unpaid balance is:

Unpaid balance ($) or "paid in full"

4. I agree to indemnify and hold harmless the maker and any person who relies on this affidavit against any loss resulting from a later claim by another person to enforce the note.

I swear (or affirm) under penalty of perjury that the facts stated in this affidavit are true and correct and within my personal knowledge.

Affiant's initials: _____



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Date

X

Signature of affiant

Printed name

**JURAT**

**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



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