

## **Instructions for Completion of an Affidavit of Heirship Form**

When a deceased owner does not leave a Will and no administration will be performed, or left a Will which will not be probated, an Affidavit of Heirship is sometimes completed, notarized, and placed on record in the county where the minerals are located. This places third parties on notice that the owner is deceased and provides the decedent's family history for the purpose of determining heirship. We suggest you contact an attorney to determine if this is the right course of action in your situation.

All questions must be completed to the best of the affiant's knowledge. If the person completing the affidavit does not know the answer to a question, it should be so stated on the affidavit. If more space is needed to adequately supply the information, attach a separate sheet of paper. Probate or a separate Affidavit of Heirship is required for each deceased heir of the decedent.

1. Have the form filled out by a disinterested third party, someone who will not benefit from the estate, i.e., banker, lawyer, neighbor, family friend or relative. Affiant's signature must be notarized.
2. Attach a copy of the Death Certificate and the Last Will and Testament to the affidavit.
3. Record the affidavit and attachments in the county where the minerals are located. There will be a small recording fee. Phone numbers and addresses for county courthouses can be found at [www.courthousedirect.com](http://www.courthousedirect.com). Send the original, a check, and a self-addressed stamped envelope to the county clerk's office.
4. Upon receipt of the recorded documents, mail a COPY to Martindale at the appropriate address listed on our website.

### **IMPORTANT**

If decedent left a Will, but said Will was not probated in the state where the minerals are located, the laws of Intestate Descent and Distribution will apply, not the terms of the Will.

This form may be signed by a member of the family, so long as they are not an heir to the deceased, but the Corroborating Affidavit must be signed by a person who is not a member of the family.

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