

INSTRUCTIONS FOR AFFIDAVIT OF HEIRSHIP

An Affidavit of Heirship is a sworn statement that will be used to determine the lineal heirs of an estate according to the Laws of Descent and Distribution of the state where the decedent's property is located. An Affidavit of Heirship is used to transfer ownership of an interest in the following scenarios:

- If the decedent died intestate (without a Will)
- If the decedent left a Will, but the Will was not probated due to the size of the estate
- If the decedent left a Will, but the Will was probated in a state other than that state where the property is located and ancillary probate was not completed

The Affidavit of Heirship MUST be completed by a disinterested (non-family member) person, who is familiar with the family history of the decedent, but does not stand to benefit from the estate. All questions should be answered as accurately as possible, including each individual's full name, accurate dates of birth, death, etc. and complete mailing address. Please write clearly and legibly.

Upon completion of the Affidavit of Heirship, the form should be signed in the presence of a notary. The Corroborating Affidavit (to be signed by a second disinterested person) should also be signed in the presence of a notary.

Once the form has been completed and notarized, it MUST be filed of record in the County/Parish Clerk's office where the property is located. Please contact the clerk regarding their filing fees and recording practices. If the decedent owned interest in properties in multiple counties/parishes, the Affidavit of Heirship must be recorded in each County/Parish Clerk's office. To obtain the Clerk's address or phone number, you may visit <http://www.landmen.net/Courthouse/courthouses.htm> or contact our office.

Once the Affidavit of Heirship has been recorded by the County/Parish Clerk and returned to you, please send a copy of the recorded document to our office for our files, along with a Certified Death Certificate and, if applicable, a copy of the Will. Please note, originals will not be returned. Upon receipt of all necessary documents, Division Orders will be issued to each heir determined by the Laws of Descent and Distribution of the state where the property is located.

IMPORTANT NOTES

It should be clearly understood that use of an Affidavit of Heirship requires that an estate be distributed in strict accordance with the Laws of Descent and Distribution, and NOT THE TERMS OF THE WILL.

It should also be understood that an Affidavit of Heirship is used to create a legal instrument that will serve to document proper chain of title and ownership attributed to the decedent. It must be completed in its entirety and as accurately as possible.

AFFIDAVIT OF HEIRSHIP

(Heirship of _____, Deceased)

STATE OF _____

COUNTY/ PARISH OF _____

_____, of lawful age, being first duly sworn, upon his/her oath deposes and says:

(Name of Person making Affidavit)

That he/she was personally well acquainted with the above named decedent, during his/her lifetime, having known him/her for _____ years and that affiant bears the following relationship to said decedent, to-wit:

_____. Affiant further states that the said decedent departed this life in the

City/Town of _____, in _____ County/Parish, State of

_____, on or about _____, 20 _____, being _____ years

old at the date of his/her death.

Affiant further states that he/she was well acquainted with the family and near relatives of the said decedent, and that the following statements and the answers to the following questions are based upon the personal knowledge of affiant and are true and correct:

1. Did the decedent leave a Will? _____. If so, has the Will been admitted to probate? _____.

2. Have any administration proceedings or other proceedings been filed in connection with this estate?

_____.

If so, describe the nature of such proceedings:

_____.

Where filed? _____ When? _____.

3. Was decedent married or single at the time of death? _____. If married, give the name of decedent's spouse, together with the other information called for: (If none, show NONE)

Name of Spouse	Address	Date of Marriage
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Is spouse now living? _____. If not, state date of death: _____.

4. Was decedent married more than once? _____. If so, give the names of all spouses of decedent, other than the one named in Item 3 above, together with the other information called for:

Name of Other Spouse	Date of Marriage	Date of Divorce	Date of Death
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

5. Give the names of all children of decedent, natural or legally adopted, who were living at the time of decedent's death, together with the other information called for: (If none, show NONE)

Name of Child	Date of Birth	Address/If not living, Date of Death	Surviving Husband/Wife	Address/If not living, Date of Death
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

6. Give the names of all children of decedent who were NOT living at the time of decedent's death, together with the other information called for: (If none, show NONE)

Name of Child	Date of Birth	Date of Death	Surviving Husband/Wife	Address/If not living, Date of Death
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

7. Give the names of all children of any deceased child of decedent, together with the other information called for: (If none, show NONE)

Name of Child	Date of Birth	Address/If not living, Date of Death	Name of Father and Mother
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

8. Did the decedent have any stepchildren taken into his/her home? _____. If so, give the names of all stepchildren of the decedent, together with the other information called for:

Name of Child	Date of Birth	Address/If not living, Date of Death	Name of Father and Mother
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

9. Did the decedent leave any unpaid debts? _____. If so, give, as nearly as possible, the amount and nature of such debts and whether they have since been paid:

10. State (so far as known to affiant) whether any Inheritance or Estate Tax is due on the estate of decedent or whether same has been paid:

(IF DECEDENT LEFT SURVIVING CHILDREN, THEN ITEMS 11 AND 12 BELOW MAY BE DISREGARDED)

11. Give the names of all surviving parents and siblings of the decedent, together with the other information called for:

Name of Parent or Sibling	Relationship	Date of Birth	Name of Father and Mother
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

12. Give the names of all surviving children of any deceased sibling of the decedent, together with the other information called for:

Name of Child	Date of Birth	Address/If not living, Date of Death	Name of Father and Mother
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

CORROBORATING AFFIDAVIT

(To Be Signed By Some Person Other than the One Making the Foregoing Affidavit)

STATE OF _____

COUNTY OF _____

_____, of lawful age, being first duly sworn, upon his/her oath states:

(Name of Person Making Corroborating Affidavit)

The information given in the above and foregoing affidavit is true, to the personal knowledge of this affiant.

Signature of Person Making Corroborating Affidavit

Subscribed and sworn to before me this _____ day of _____, 20_____.

My commission expires: _____

Notary Public

NOTE: IF ANY HEIRS OF DECEDENT HAVE ALSO DIED SINCE HIS/HER DEATH, A SEPARATE AFFIDAVIT OF HEIRSHIP FORM MUST BE OBTAINED FOR EACH DECEASED INDIVIDUAL.