

## Instructions for Heirship Affidavit

If someone dies without a will or if the will is not probated and the estate is rather small, an Affidavit of Heirship made preferably by two disinterested persons acquainted with the decedent provides facts about marital history, children's names and ages, payment of debts and taxes, and other estate facts. The Affidavit is a sworn statement and will be used to determine the transfer of interest according to descent & distribution laws for the State the property is located in.

- The Affidavit should be completed by a **disinterested (non-family member) party**. All questions should be answered and current addresses, including the street address, city, state and zip code should be provided for each party listed on the Affidavit.
- **N/A or Unknown is not an answer to any question on page one of the Affidavit.** If you do not understand how to accurately answer any of the questions on the first page, do not leave it blank. Contact us on our Owner Relations line at (903) 581-4382, or email us at [ownerrelations@vefinc.com](mailto:ownerrelations@vefinc.com). We will be glad to explain any of the questions on the Affidavit.
- Please be sure to answer question #8 on page one using the following definition of separate property as a guide: "In a marriage, separate property means that which is owned individually by the husband or by the wife, as opposed to their community property, which is owned by both. There are four main sources of separate property: (1). Acquisition prior to marriage, (2). Devise under a will, (3). Gift, (4). Inheritance."
- Upon completion, the Affidavit should be **signed** in the presence of a notary and **filed for record** in the county/parish and state in which the interest is located.

### RECORDING INSTRUCTIONS:

If the annual income for the owner for the property(ies) that we operate is less than \$300, the Affidavit does not have to be filed for record for our purposes. After you have it filled out completely and correctly and the Affiant's signature is notarized, please return the Affidavit to our office along with a photocopy of the certified Death Certificate. It is advisable to file the Affidavit for record in the appropriate county/parish regardless of the associated income because it puts third parties on notice as to the names and addresses of the heirs at law. When we receive the Affidavits and Certified Death Certificate, we will make the transfer in accordance with the laws of the state where the property is located. Please note that the law may not necessarily follow the terms of the will.

If the annual income for the owner for the property(ies) that we operate is more than \$300, the Affidavit has to be filed for record in the county/parish and state that the real estate is located in. You must request that the clerk return a certified copy of the Affidavit to you. Please contact the clerk concerning the filing fees or any additional information concerning filing.

Go to [www.courthousedirect.com](http://www.courthousedirect.com) to obtain the County/Parish Clerk's address.

*NOTE: IF YOU ARE FILING THIS AFFIDAVIT IN THE STATE OF OKLAHOMA, YOU MUST NOT WRITE IN THE SIDE, TOP OR BOTTOM MARGINS ON ANY PAGE OR YOU WILL BE CHARGED AN EXTRA \$25.00 PER PAGE, BY OKLAHOMA LAW.*

When you receive the certified copy of the Affidavit from the clerk, please forward a copy of the certified instrument along with a copy of the certified death certificate of the decedent to this office. Upon receipt, the interest will be transferred by the laws of descent and distribution for the state where the property is located and Division Orders will be issued to each heir.