



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. 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 Cutbow 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.

AFFIDAVIT OF DEATH AND HEIRSHIP

This form is to be completed by a disinterested third party

NAME OF DECEASED:	
DATE:	
SPECIFIC PROPERTY DESCRIPTION:	
SECTION/TOWNSHIP/RANGE:	
COUNTY/STATE:	

STATE OF _____)
) Subscribed and Sworn Under Oath
COUNTY OF _____)

I, _____ (first) _____ (MI) _____ (last), the affiant ("I" or "my" hereinafter), being of lawful age, being first duly sworn, upon oath deposes and states:

I was well acquainted with the above named deceased individual ("deceased" hereinafter) for _____ number of years and the answers and statements given in the following questionnaire are based upon my personal knowledge, true, and correct. Further, I am not a direct heir of the named deceased individual.

1. What was your relationship to the deceased? _____
2. The deceased departed his/her life on _____ (month) _____ (day), _____ (year) in _____ (county or city), _____ (state). He/She was _____ years old.
3. The deceased owned the mineral property listed in the reference boxes above. YES / NO (circle one)
4. The described property was / was not (circle one) occupied by the deceased individual as his/her homestead.
5. The described property is / is not (circle one) occupied by the deceased's surviving spouse.
6. The described property was property acquired by the deceased before / during (circle one) his/her most recent marriage.
7. How was the described property acquired by the deceased? (circle one) Inherited / Purchased / Gifted

I was well acquainted with the deceased's surviving family members, and the following statements and answers to the following questions are based upon my personal knowledge and are true and correct:

8. Did the deceased leave a will? YES / NO (circle one)
9. In what states has the deceased's estate been probated? (if no probate, write "none")

10. The estate of the deceased currently DOES / DOES NOT (circle one) owe debts to another person, business, or government entity, including any state or federal taxes.

11. If you circled DOES on question 10, please describe all debts owed, including taxes, of the estate:

12. At the time of death, the deceased was MARRIED / WIDOWED / DIVORCED / SINGLE-NEVER MARRIED (circle one)

13. If you circled married, what was the deceased's surviving spouse's name? _____

14. If you circled married, what is the address of the surviving spouse?
_____ (street) _____ (city) _____ (state)

15. How many times was the deceased married? 0 / 1 / 2 / 3 / 4 / 5 / 6 / 7 / 8+ times (circle one)

16. What are the names of all surviving and former spouses, and list how many children, including adopted, the deceased had with each spouse.

Name of Spouse	Date of Divorce (if applicable)	Number of children, including adopted

17. What is the total number of the deceased's children, both natural and adopted? _____

18. Complete the following information concerning all children born or adopted to the deceased, who were living at the time of the deceased's death.

Name of Son or Daughter	Date of Birth	Other Parent	Present Mailing Address

19. Complete the following information concerning all children born or adopted to the deceased, who were not living at the time of the deceased's death.

Name of Son or Daughter	Date of Birth	Other Parent	Date of Death

Please complete an Affidavit of Death and Heirship for each deceased child that was listed on question 19.

(to be signed by a person other than the one making the foregoing affidavit and who is not a named heir or a family member of an heir)

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

TO BE SIGNED IN THE PRESENCE OF A NOTARY PUBLIC

My Commission expires: _____, 20____.

Notices Regarding the Affidavit of Death and Heirship

NOTE: This form may be signed by a member of the family, as long as they are not an heir to the deceased, but the Confirming Affidavit **MUST** be signed by a person who is **NOT** a member of the family or a direct heir. This form must be notarized for the **AFFIANT** and the **CONFIRMING AFFIANT**.

NOTE: If the deceased left a will, and the will was **NOT** probated in the state where the land/minerals are located, the laws of Intestate Descent and Distribution of that state will apply, and **NOT** the terms of the will.