

AFFIDAVIT OF FACTS CONCERNING THE IDENTITY OF HEIRS

Form from Texas Estates Code section 203.002, which says the affidavit "may be in substantially the following form". The statute's form is signed by the affiant before a notary; it has no witness lines. A title company or county clerk that will rely on the affidavit may ask for more: ask them before you sign. Record the signed original in the deed records of the county where the real property is located.

Before me, the undersigned authority, on this day personally appeared _____ ("Affiant") who, being first duly sworn, upon his/her oath states:

1. My name is _____, and I live at _____. I am personally familiar with the family and marital history of _____ ("Decedent"), and I have personal knowledge of the facts stated in this affidavit.

2. I knew decedent from _____ until _____. Decedent died on _____. Decedent's place of death was _____. At the time of decedent's death, decedent's residence was _____.

3. Decedent's marital history was as follows (if decedent's spouse is deceased, include the date and place of the spouse's death): _____

4. Decedent had the following children (for each child: name, birth date, name of other parent, and current address, or date of death and the descendants of a deceased child):

5. Decedent did not have or adopt any other children and did not take any other children into decedent's home or raise any other children, except (names, or "none"):

6. (Include if decedent was not survived by descendants.) Decedent's mother was (name, birth date, and current address or date of death): _____

7. (Include if decedent was not survived by descendants.) Decedent's father was (name, birth date, and current address or date of death): _____

8. (Include if decedent was not survived by descendants or by both mother and father.) Decedent had the following siblings (name, birth date, current address or date of death, parents of each sibling and descendants of each deceased sibling, or "none"): _____

9. (Optional.) The following persons have knowledge regarding the decedent, the identity of decedent's children, if any, parents, or siblings, if any (names, or "none"):

10. Decedent died without leaving a written will. (Modify this statement if decedent left a written will.)

11. There has been no administration of decedent's estate. (Modify this statement if there has been administration of decedent's estate.)

12. Decedent left no debts that are unpaid, except (list, or "none"):

13. There are no unpaid estate or inheritance taxes, except (list, or "none"):

14. To the best of my knowledge, decedent owned an interest in the following real property (legal description of each property, or "none"): _____

15. (Optional.) The following were the heirs of decedent:

16. (Additional information as appropriate, such as size of the decedent's estate.)

Signed this ____ day of _____, _____.

(signature of affiant)

NOTARY

State of _____ County of _____

Sworn to and subscribed to before me on _____ (date) by _____ (name of affiant).

(signature of notarial officer)

(Seal, if any, of notary) _____ (printed name) My commission expires: _____

BEFORE YOU RECORD IT

[] Use the legal description from the deed for each property in item 14, not just the street address.

[] Under section 203.001, a recorded affidavit becomes prima facie evidence of the facts in it once it has been of record for five years or more in the deed records of the county where the property is, or where the decedent lived.

[] An affidavit of heirship does not affect the rights of an omitted heir or of the decedent's creditors (section 203.001(d)). If the family facts are disputed, ask about a court proceeding to declare heirship instead.

Source: Texas Estates Code sections 203.001 and 203.002 (statutes.capitol.texas.gov), read October 4, 2026. This template is general information, not legal advice. LegalTemplateVault.com is not a law firm. Laws change: check the current statute before you sign.