

# HEIRSHIP AFFIDAVIT

STATE OF [STATE] ) ) ss. COUNTY OF [COUNTY WHERE THE AFFIDAVIT IS SIGNED] )

## 1. Affiant

I, [AFFIANT NAME], residing at [AFFIANT ADDRESS], being first duly sworn, depose and state:

1. I am over eighteen (18) years of age, of sound mind, and competent to make this Affidavit of Heirship.
2. I am a disinterested third party. I am not an heir, devisee, legatee, beneficiary, creditor, or personal representative of the Decedent's estate. I will not derive any personal benefit from the statements set forth herein, and I receive no consideration for making this Affidavit.
3. I knew the Decedent personally for a period of time sufficient to acquire personal knowledge of the Decedent's marital and family history, and I have personal knowledge of the facts stated herein.

## 2. Purpose

This Affidavit is made to identify the heirs at law of the Decedent and, where applicable, to establish a record of heirship with respect to real and personal property owned by the Decedent at the time of death, for the following purpose: [PURPOSE OF THIS AFFIDAVIT]

## 3. Decedent

1. [DECEDENT S FULL LEGAL NAME] (the "Decedent"), born , died on at [DECEDENT S PLACE OF DEATH CITY].
2. The Decedent's last residence and domicile was [DECEDENT S DOMICILE LAST RESIDENCE ADDRESS].
3. The Decedent died intestate (without a valid will).
4. No administration of the Decedent's estate is pending, and none is contemplated at this time.

## 4. Marital History

To the best of my personal knowledge, the Decedent's complete marital history was as described in the heir listing below (including any prior marriages, divorces, and the death of any prior spouse).

## 5. Heirs at Law

The following persons are the sole and only heirs at law of the Decedent, including all surviving spouses, children (whether of any marriage, legally adopted, or born out of wedlock and duly acknowledged), parents, and other lineal descendants or collateral kindred as applicable:

To the best of my knowledge, there exist no other persons — born, adopted, or otherwise — who could claim to be an heir of the Decedent.

## 6. Decedent's Property

The Decedent's known estate consists of personal property; no real property is the subject of this Affidavit.

## 7. Debts

To the best of my knowledge, the debts of the Decedent are either fully paid or are adequately provided for from the estate's assets, and no claims have been presented that exceed the value of the estate.

## 8. Reliance

I understand that this Affidavit will be relied upon by title insurers, financial institutions, transfer agents, county recorders, and other interested parties in identifying the lawful heirs of the Decedent and effecting transfer of the Decedent's property. I make this Affidavit with full knowledge of such reliance.

## 9. Additional Facts

[NUMBERED FACTS ONE FACT PER PARAGRAPH]

## Oath and Penalty of Perjury

I certify under penalty of perjury under the laws of the State of [STATE] that I know the contents of this Affidavit signed by me and that the statements set forth above are true and correct to the best of my knowledge.

## Signature of Affiant

### Affiant

\_\_\_\_\_ PRINTED NAME  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ SIGNATURE  
\_\_\_\_\_  
\_\_\_\_\_ DATE

## Disinterested Witness Signatures

Each of the undersigned witnesses states, under penalty of perjury: (a) I am over the age of eighteen (18); (b) I knew the Decedent (or the Affiant, as applicable) personally or have personal knowledge of the family history or facts set forth above; (c) I am not an heir, beneficiary, or creditor of the estate, and I

receive no consideration for signing this Affidavit; and (d) the facts stated above are true and correct to the best of my knowledge.

### Disinterested Witness 1

\_\_\_\_\_ PRINTED NAME

\_\_\_\_\_ SIGNATURE

\_\_\_\_\_ DATE

### Disinterested Witness 2

\_\_\_\_\_ PRINTED NAME

\_\_\_\_\_ SIGNATURE

\_\_\_\_\_ DATE

### Notary Jurat

State of [STATE] County of [COUNTY WHERE THE AFFIDAVIT IS SIGNED]

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, **20**, by [AFFIANT NAME], who is personally known to me or who produced \_\_\_\_\_ as identification.

Notary Public: \_\_\_\_\_ My commission expires: \_\_\_\_\_

[NOTARY SEAL]

***Jurat vs. acknowledgment.** This certificate is a **jurat** — the correct notarial certificate for an affidavit. A **jurat** (i) requires the affiant to appear before the notary, (ii) requires the affiant to sign in the notary's presence (no pre-signing), and (iii) includes administration of an oath or affirmation. An **acknowledgment** (used for deeds, powers of attorney, and contracts) does NOT include an oath and is the wrong certificate for an affidavit. Using an acknowledgment in place of a jurat may cause a court to reject the affidavit as defective.*