

Topic: Affidavit of Heirship

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Topic: Affidavit of Heirship

1.0 OVERVIEW

These work instructions provide an explanation as to and how an Affidavit of Heirship may be used. The instructions also show steps that need to be taken to accept an Affidavit of Heirship as well as determining if Affidavit is in compliance or non-compliance with First American's standards, and the rules for vesting of title under rules of interstate succession.

Note: If there have been multiple deaths of owners in the chain of title, the facts and affidavits relating to each individual deceased owner should be analyzed separately and chronologically and the nature of the property interest (separate vs. community) should be considered for each step.

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2.0 WHAT IS AN AFFIDAVIT OF HEIRSHIP

An Affidavit of Heirship is a document that sets out facts relevant to the identity of heirs of a decedent. It is sometimes used when there is no Will, or Will has not been and will not be admitted to Probate. It may also be referred to as an Heirship Affidavit. Affidavit of Facts Concerning the Identity of Heirs, or similar names.

When a person has died without a Will, the heirs have four (4) years to file a probate case for administration of estate. After 4 years have elapsed, if no probate case has been filed, then an action may be brought for Judicial Determination of Heirship.

Alternatively, heirship may also be established in some cases by having the adult heirs and two (2) or more disinterested witnesses (people with no financial or other interest in the estate) who are familiar with the life of decedent attest to the facts stated in the Affidavit of Heirship. This can be filed as early as 60 days after the death of the decedent.

While it is First American's preferred practice that Heirship be established judicially, we will accept an Affidavit of Heirship so long it is in compliance with requirements set forth by First American.

Reliance on an affidavit of heirship is not appropriate if an administration or probate has been opened with respect to the decedent's estate.

3.0 COMPLIANCE VS. NON-COMPLIANCE

Unless First American has recently closed a transaction for the same Estate or PIQ, many Heirship Affidavits will not comply with First American requirements as set forth in code **ATRQ/T137** or **ATRQ/551** (TX Residential) below:

ATRQ/T137

[] is deceased. Heirship Affidavit concerning [] recorded in [], [] records, [] County, Texas does not meet the underwriting requirements of First American Title Insurance Company. Company requires Heirship Affidavit that contains statements of all facts relevant to establish the deceased owner's heirs and conforms to the following:

- 1. Date and place of death of the decedent;*
- 2. Decedent's place of residence at time of death;*
- 3. Decedent's complete marital history, including the manner of termination of each marriage;*
- 4. All children born to, adopted by, or raised in the home of the decedent during his/her lifetime, including date of birth, marital status, current mailing address and whether or not living;*
- 5. Information as listed under "1-4" above with regard to each deceased child of the decedent;*
- 6. If decedent or decedent's child left a Will.*
- 7. The decedent must be dead at least six months prior to the execution of the affidavit.*
- 8. There must be a death certificate furnished on the decedent that is the subject of the affidavit.*
- 9. The affidavit must be signed (either on one copy or on a counterpart) by at least two disinterested parties having personal knowledge of the family history of the decedent and having personally known the decedent for at least ten years. A disinterested party is one that will receive no benefit of any kind from signing the affidavit. A disinterested party would not include a spouse or child of a person receiving a benefit by virtue of the affidavit of heirship.*
- 10. The affidavit must be executed by all adult heirs who are taking title under intestacy.*
- 11. If the disinterested parties are related in any manner to the decedent it must be so disclosed.*
- 12. There is not any information or allegations found in the examination of title or otherwise that is contrary to statements in the affidavit. If you know of or have reason to believe there are contrary facts or allegations, investigate carefully. You are encouraged to contact a state underwriter for guidance.*

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13. If there is a purported will that has not been probated, attach a copy of the will to the affidavit. The affidavit should state that it is not necessary to probate the will, and that the will has not been and will not be offered for probate or estate administration. All heirs at law shown in the affidavit and all other persons who would be devisees of the property if the will were probated are required to sign the deed and other seller documents. If this is not practical under the circumstances, contact underwriting for other alternatives to satisfy this requirement.
14. Determine occupancy of subject property. If an heir or devisee currently lives in the property and is married, their spouse should join in the deed.
15. The Affidavit must include a statement that there are no unpaid debts of the estate, including estate taxes.
16. The Affidavit must include a statement that there has not been any administration or probate opened with respect to the decedent's estate and none is anticipated or necessary.
17. The Affidavit must be sworn to and contain a proper jurat (not an acknowledgement)

ATRQ/551

1. TEXTe is deceased. Heirship Affidavit concerning TEXTd recorded in TEXTc, TEXTb records, TEXTa County, Texas does not meet the underwriting requirements of First American Title Insurance Company. Company requires Heirship Affidavit that contains statements of all facts relevant to establish the deceased owner's heirs and conforms to the following:

1. Date and place of death of the decedent;
2. Decedent's place of residence at time of death;
3. Decedent's complete marital history, including the manner of termination of each marriage;
4. All children born to, adopted by, or raised in the home of the decedent during his/her lifetime, including date of birth, marital status, current mailing address and whether or not living;
5. Information as listed under "1-4" above with regard to each deceased child of the decedent;
6. If decedent or decedent's child left a Will.
7. The decedent must be dead at least 60 days prior to the execution of the affidavit.
8. There must be a death certificate furnished on the decedent that is the subject of the affidavit which is consistent with statements in the affidavit.
9. The affidavit must be signed (either on one copy or on a counterpart) by at least two disinterested parties having personal knowledge of the family history of the decedent and having personally known the decedent for at least ten years. A disinterested party is one that will receive no benefit of any kind from signing the affidavit. A disinterested party would not include a spouse or child of a person receiving a benefit by virtue of the affidavit of heirship.
10. The affidavit must be executed by all adult heirs who are taking title to the Property under intestacy.
11. If the disinterested parties are related in any manner to the decedent it must be so disclosed.
12. There is not any information or allegations found in the examination of title or otherwise that is contrary to statements in the affidavit. If you know of or have reason to believe there are contrary facts or allegations, investigate carefully. You are encouraged to contact a state underwriter for guidance.
13. If there is a purported will that has not been probated, attach a copy of the will to the affidavit. The affidavit should state that it is not necessary to probate the will, and that the will has not been and will not be offered for probate or estate administration. All heirs at law shown in the affidavit and all other persons who would be

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devisees of the property if the will were probated are required to sign the deed and other seller documents. If this is not practical under the circumstances, contact underwriting for other alternatives to satisfy this requirement.

14. Determine occupancy of subject property. If an heir or devisee currently lives in the property and is married, their spouse should join in the deed.

15. The Affidavit must include a statement that there are no unpaid debts of the estate, including estate taxes.

16. The Affidavit must include a statement that there has not been any administration or probate opened with respect to the decedent's estate and none is anticipated or necessary.

17. The Affidavit must be sworn to and contain a proper jurat (not an acknowledgement).

3.1 COMPLIANCE

Follow the sections below if Affidavit of Heirship is in compliance.

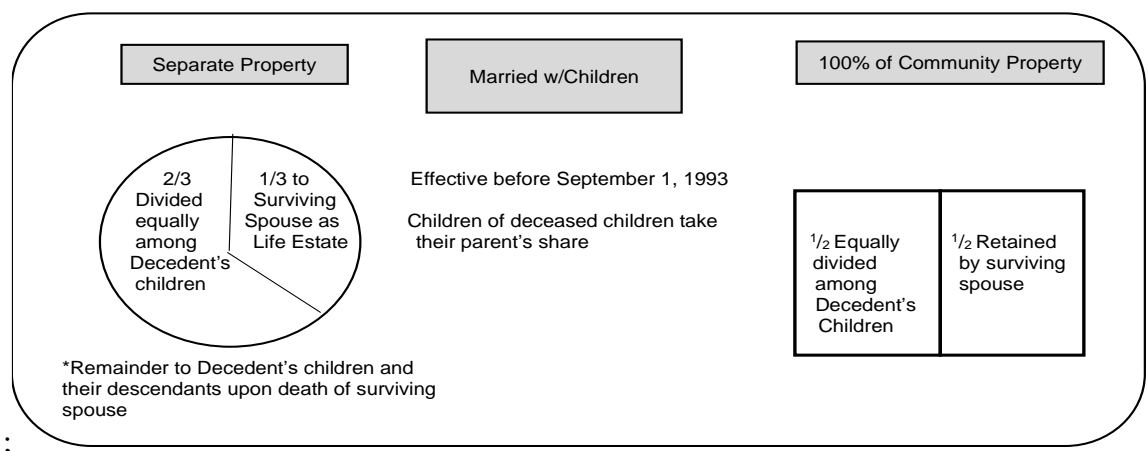
3.1.1 Criteria

For Affidavit of Heirship to be considered in compliance, it must meet **ALL** of the following criteria:

- a. Estate is relatively small.
- b. Affidavit of Heirship complies with **ALL** requirements as set out in code **ATRQ/T137** or **ATRQ/551** (TX Residential), and
- c. There has not been any administration or probate opened with respect to the decedent's estate.

3.1.2 Affidavits For Decedents Dying Prior To September 1, 1993

See chart below



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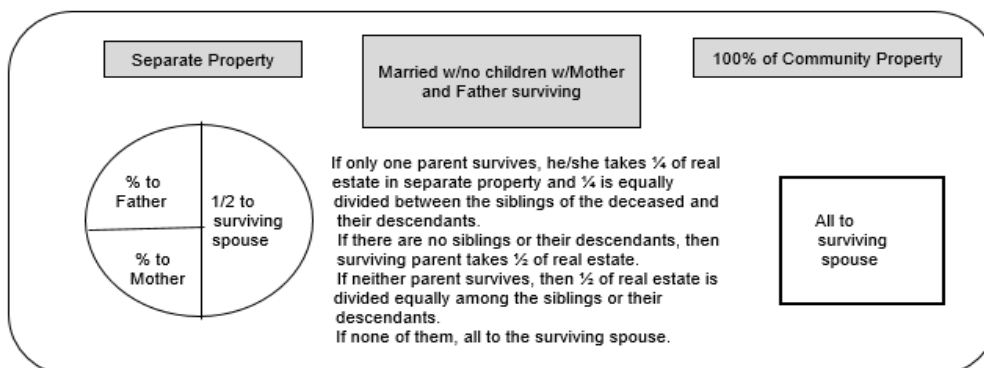
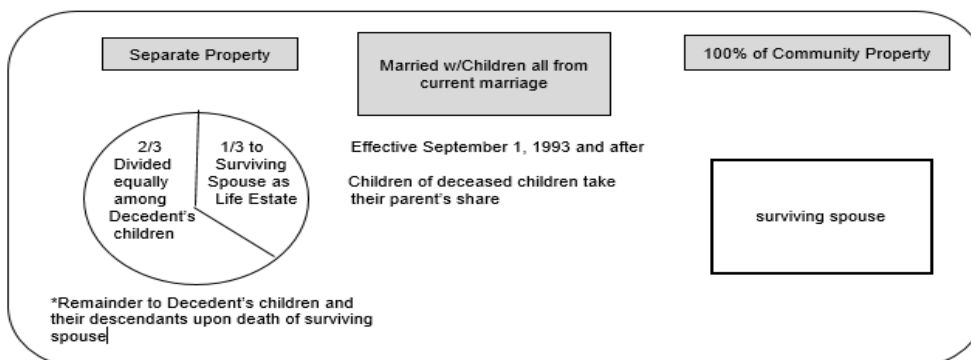
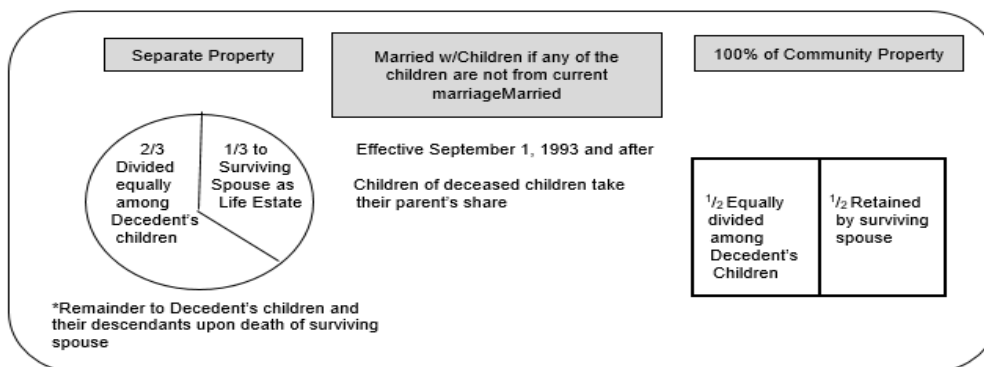
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3.1.3 Affidavits For Decedents Dying On Or After September 1, 1993

a. Married

See charts below



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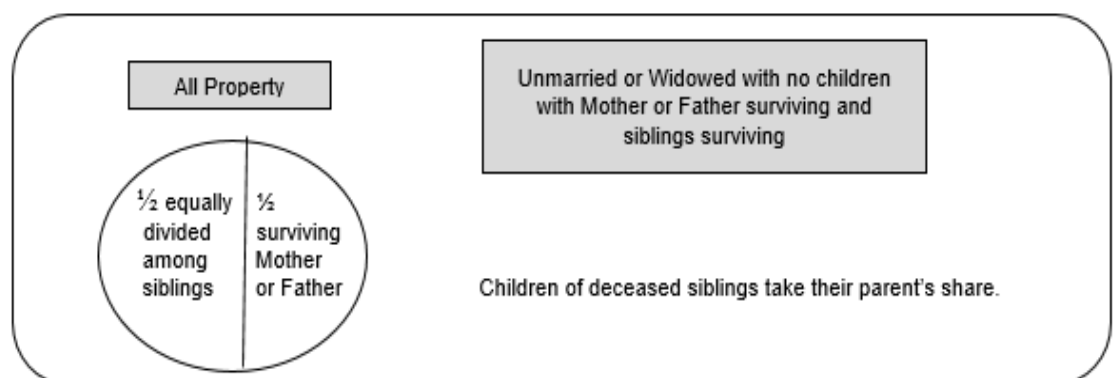
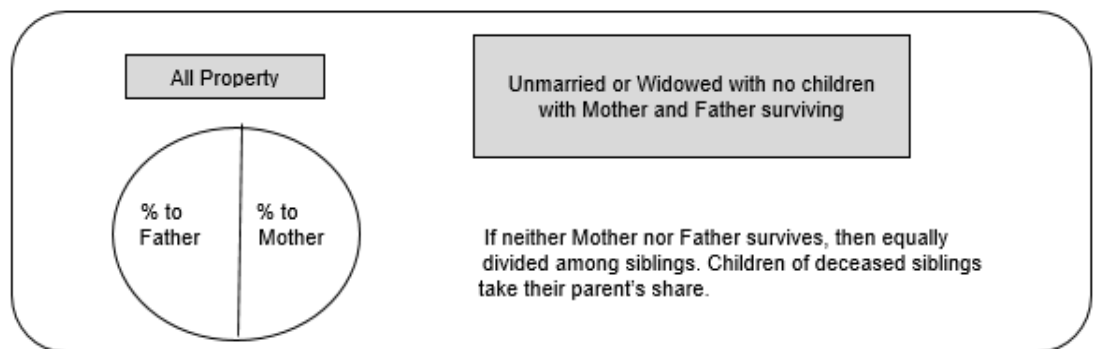
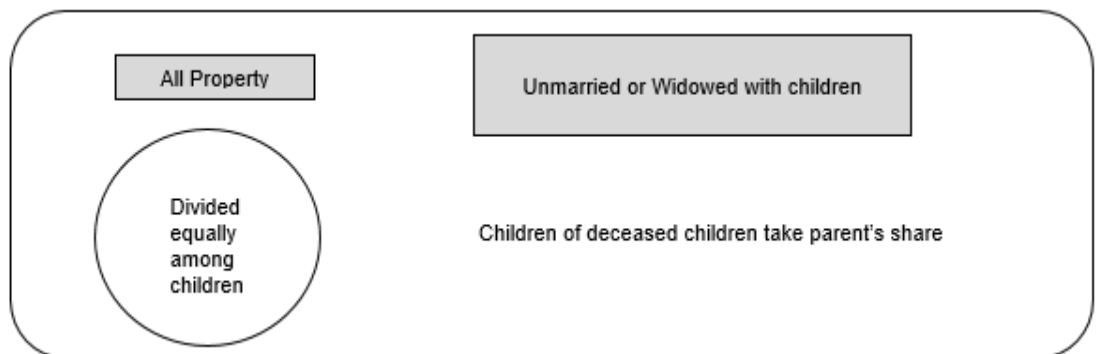
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b. Unmarried

See charts below

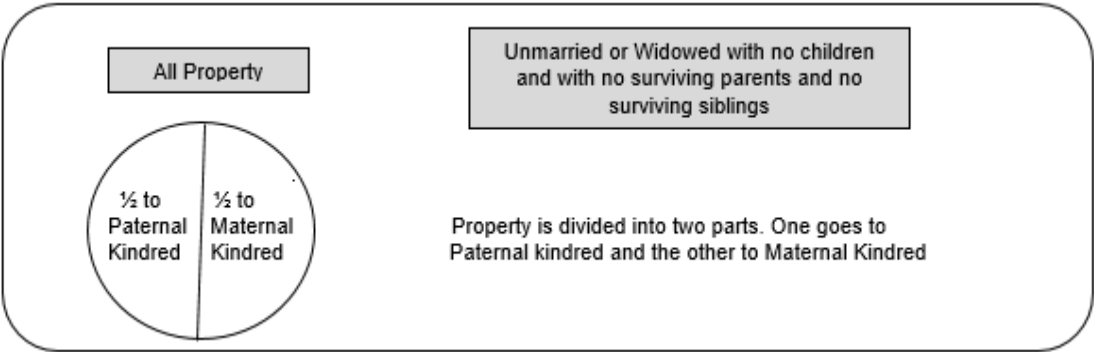
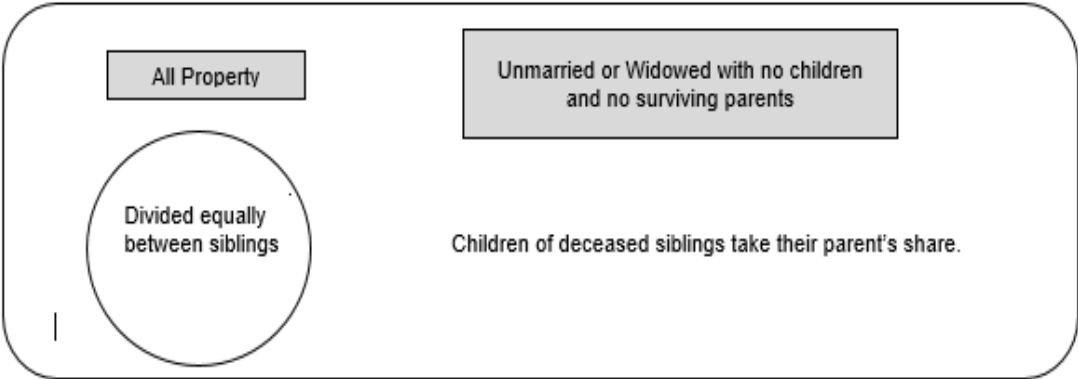


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3.1.4 Commitment

If Affidavit of Heirship meets **ALL** of criteria in section [Criteria Section](#):

- a. Vesting
 - i. Show heirs according to charts in Sections [Affidavits files prior to September 1, 1993 Section](#) and [Affidavits files after September 1, 1993 Section](#)
 - ii. If heirs have conveyed, follow chain and show last good deed of record
- b. GI run
 - i. Run decedent
 - ii. Run heirs
- c. Schedule C
 - i. Show any liens or encumbrances filed against property which have not been released
 - ii. Show any liens or judgments filed against decedent and heirs which have not been released
 - iii. Show marital status requirement, code **ATRQ/T103**, for all heirs
 - iv. Show code **ATRQ/533** or **ATRQ/552 (TX Residential)**.

3.1.5 Example of Compliance

Below is an example of a compliant Affidavit of Heirship. Please note that cause of death (code **ATRQ/T137** or **ATRQ/551** (TX Residential) item no. 1 and no. 8) and Will (code **ATRQ/T137** or **ATRQ/551** (TX Residential) item no. 13) are attached as exhibits to Affidavit of Heirship example, however, they are not reflected in screenshots below. Cause of death does not need to be stated in Affidavit so long as a death certificate is attached.

Also note that heirs are Klaus J. Dude, Natasha Colleen Loggins, Nathan Harold Duda, and Chad Stanley Duda. Disinterested witnesses are Asa Bob Hearn and Wilma Hearn.

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AFF
Y
**AFFIDAVIT OF HEIRSHIP
 OF
PATRICIA EMMA DUDA**

THE STATE OF TEXAS X
 X KNOW ALL MEN BY THESE PRESENTS:
 COUNTY OF HARRIS X

BEFORE ME, the undersigned authority, on the dates designated below personally appeared
 KLAUS J. DUDA, NATASHA COLLEEN LOGGINS and NATHAN HAROLD DUDA, all of
 Harris County, Texas, CHAD STANLEY DUDA of Cook County, Illinois, and ASA BOB
 HEARN and WILMA HEARN, both of Harris County, Texas, and after being first duly sworn by
 me, each did, on their oath, depose and say:

"I, KLAUS J. DUDA, was the husband of PATRICIA EMMA DUDA for 40 years.
 I, NATASHA COLLEEN LOGGINS, am the adult daughter of PATRICIA EMMA
 DUDA.

I, NATHAN HAROLD DUDA, am the adult son of PATRICIA EMMA DUDA.

I, CHAD STANLEY DUDA, am the adult son of PATRICIA EMMA DUDA.

I, ASA BOB HEARN, was the friend of and knew PATRICIA EMMA DUDA for
 50 years prior to her death.

I, WILMA HEARN, was the friend of and knew PATRICIA EMMA DUDA for 50
 years prior to her death.

"Each of us is well qualified to execute this affidavit.

"PATRICIA EMMA DUDA, "Deceased", was born Patricia Emma White on March
 27, 1947 in Baytown, Harris County, Texas, to parents, Harold Glen White and
 Elizabeth Rapple White.

"Deceased was married only once in her lifetime. That marriage was to KLAUS J.
 DUDA on February 3, 1968 in Crosby, Harris County, Texas.. There were three (3)
 children born of this marriage: NATASHA COLLEEN LOGGINS, born January 7,
 1971 in Baytown, Harris County, Texas, who resides in Crosby, Harris County,
 Texas with her husband, Bryan P. Loggins; NATHAN HAROLD DUDA, born
 November 7, 1976 in Baytown, Harris County, Texas, who resides in Crosby,
 Harris County, Texas with his wife, Caroline M. Duda; and CHAD STANLEY
 DUDA, born January 7, 1988 in Baytown, Harris County, Texas, who is single and
 resides in Chicago, Cook County, Illinois.

"No children other than those named herein were born to or adopted by Deceased
 or taken into the home of Deceased with the understanding of adoption.

"Deceased died testate on November 12, 2008 in Harris County, Texas, at the age
 of 61 years, a resident of Harris County, Texas. She was survived by her husband
 and their three (3) children named above. A true and correct copy of Decedent's
 Last Will and Testament (with social security number redacted) is attached hereto
 as Exhibit "A". A true and correct copy of Decedent's death certificate (with social
 security number redacted) is attached hereto as Exhibit "B".

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"Deceased's estate consists of her community one-half interest in the community property of Deceased and his wife, KLAUS J. DUDA. Pursuant to Section 45 of the Texas Probate Code, Deceased's interest in the community property passes to her surviving spouse, KLAUS J. DUDA, who is the father of all of Deceased's children.

"The gross value of Deceased's estate, as defined for federal estate tax purposes to include all real estate, stocks, bonds, mortgages, notes, cash, life insurance on her life, powers of appointment, annuities, cash surrender value on life insurance owned by her, and other tangible and intangible assets, did not exceed \$750,000.00.

"Deceased's estate includes interests in real property in Harris County, Texas described as:

"Filing is not required for any federal estate tax return or state inheritance tax return, and no federal estate taxes or state inheritance taxes are due on Deceased's estate.

"All debts of the estate have been paid. The Deceased did not apply for and receive Medicaid benefits on or after March 1, 2005. There has been no probate administration of Deceased's estate. To Affiants' best knowledge, information and belief, the estate requires no administration. Affiants do not intend to seek any administration and know of no administration proceedings contemplated by others.

"I am aware of the penalties of perjury under Federal Law, which includes the execution of a false affidavit, pursuant to 18 U.S.C.S., Section 1621 wherein it is provided that anyone found guilty shall not be fined more than \$2,000 or imprisoned not more than 5 years or both. I am also aware that perjury in the execution of a false affidavit is a criminal act pursuant to Section 37.02 of the Texas Penal Code. Finally I am also aware that under Section 32.46 of the Texas Penal Code, a person commits an offense, if with intent to defraud or harm a person, he, by deception, causes another to sign or execute any document affecting property or service of the pecuniary interest of any person, and that an offense under such Section is a felony of the third degree which is punishable by a fine of \$5,000 and confinement in the Texas Department of Corrections for a term of not more than 10 years or less than 2 years."

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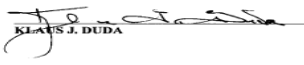
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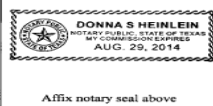
SIGNED this 19 day of March, 2014.



KLAUS J. DUDA (6)
10R

ACKNOWLEDGMENT

THE STATE OF TEXAS X
COUNTY OF HARRIS X

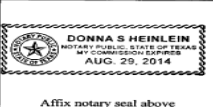
This instrument was acknowledged before me on the 19 day of March, 2014, by KLAUS J. DUDA.



Affix notary seal above


Notary Public, State of Texas


JURAT

SUBSCRIBED AND SWORN TO BEFORE ME by the said KLAUS J. DUDA this 19 day of March, 2014, to certify which witness my hand and seal of office.


Affix notary seal above


Notary Public, State of Texas

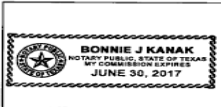
SIGNED this 24 day of March, 2014.



NATASHA COLLEEN LOGGINS 10R

ACKNOWLEDGMENT

THE STATE OF TEXAS X
COUNTY OF HARRIS X

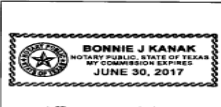
This instrument was acknowledged before me on the 24 day of March, 2014, by NATASHA COLLEEN LOGGINS.



Affix notary seal above


Notary Public, State of Texas

JURAT

SUBSCRIBED AND SWORN TO BEFORE ME by the said NATASHA COLLEEN LOGGINS this 24 day of March, 2014, to certify which witness my hand and seal of office.


Affix notary seal above


Notary Public, State of Texas

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SIGNED this 2 day of April, 2014.

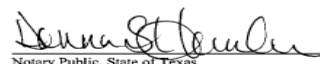

NATHAN HAROLD DUDA 10R

ACKNOWLEDGMENT

THE STATE OF TEXAS X
COUNTY OF HARRIS X

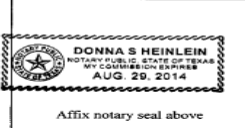
This instrument was acknowledged before me on the 2 day of April, 2014, by NATHAN HAROLD DUDA.



Affix notary seal above


Notary Public, State of Texas


JURAT

SUBSCRIBED AND SWORN TO BEFORE ME by the said NATHAN HAROLD DUDA this 2 day of April, 2014, to certify which witness my hand and seal of office.


Affix notary seal above


Notary Public, State of Texas

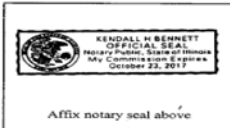
SIGNED this 3rd day of June, 2014.



CHAD STANLEY DUDA 10R

ACKNOWLEDGMENT

THE STATE OF ILLINOIS X
COUNTY OF Cook X

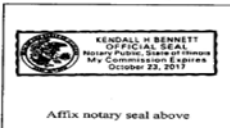
This instrument was acknowledged before me on the 3rd day of June, 2014, by CHAD STANLEY DUDA.



Affix notary seal above


Notary Public, State of Illinois
Printed Name of Notary
Commission expires: 10/23/17

JURAT

SUBSCRIBED AND SWORN TO BEFORE ME by the said CHAD STANLEY DUDA this 3rd day of JUNE, 2014, to certify which witness my hand and seal of office.


Affix notary seal above


Notary Public, State of Illinois
Printed Name of Notary
Commission expires: 10/23/17

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Topic: Affidavit of Heirship

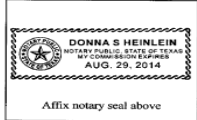
SIGNED this 20 day of March, 2014.

ASA Bob Hearn 10R
ASA BOB HEARN

ACKNOWLEDGMENT

THE STATE OF TEXAS X
COUNTY OF HARRIS X

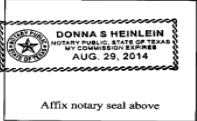
This instrument was acknowledged before me on the 20 day of March, 2014, by ASA BOB HEARN.

 Affix notary seal above

Donna Heinlein
Notary Public, State of Texas

JURAT

20 SUBSCRIBED AND SWORN TO BEFORE ME by the said ASA BOB HEARN this day of March, 2014, to certify which witness my hand and seal of office.

 Affix notary seal above

Donna Heinlein
Notary Public, State of Texas

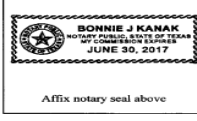
SIGNED this 20 day of March, 2014.

Wilma Hearn 10R
WILMA HEARN

ACKNOWLEDGMENT

THE STATE OF TEXAS X
COUNTY OF HARRIS X

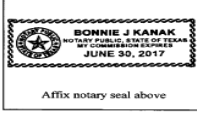
This instrument was acknowledged before me on the 20 day of March, 2014, by WILMA HEARN.

 Affix notary seal above

Bonnie J. Kanak
Notary Public, State of Texas

JURAT

20 SUBSCRIBED AND SWORN TO BEFORE ME by the said WILMA HEARN this day of March, 2014, to certify which witness my hand and seal of office.

 Affix notary seal above

Bonnie J. Kanak
Notary Public, State of Texas

AFTER RECORDING RETURN TO: PREPARED IN THE LAW OFFICE OF:

Donna S. Heinlein Elliott, Heinlein & Jones, P.C.
P. O. Box 1446 P. O. Box 1446
Crosby, Texas 77532 Crosby, Texas 77532

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3.2 NON COMPLIANCE

If Affidavit of Heirship **DOES NOT** comply with **ALL** of the requirements of code **ATRQ/T137** or **ATRQ/551 (TX Residential)**,

- a. Vesting: Estate of [decedent's name], Deceased
- b. GI run:
 - i. Run decedent.
 - ii. Run all parties who are identified in the affidavit as heirs, or potential devisees under an unprobated will
- c. Schedule C
 - i. Show any liens or encumbrances filed against property which have not been released
 - ii. Show any liens or judgments filed against decedent and those identified as heirs which have not been released
 - iii. Show marital status requirement, code **ATRQ/T103**, for all heirs
 - iv. Show code **ATRQ/533** or **ATRQ/552 (TX Residential)**
 - v. Show code [***ATRQ/T193**]:

"Although information/affidavits concerning the identity of the heirs are not sufficient for insuring purposes, documents provided indicate the following parties may have an interest in the land: [insert names]. Adverse matters relating to said parties may be identified herein. If any other heirs or interested parties are identified, Company may add additional requirements and/or adverse matters concerning said parties."
 - vi. Show code **ATRQ/T137** or **ATRQ/551 (TX Residential)**. Be certain to state which requirements of code are still needed. This should be entered manually after the sentence "Company requires Heirship Affidavit that conforms to the following:"

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Topic: Affidavit of Heirship

3.2.1 Example of Non-Compliance

Below is an example of a non-compliant Affidavit of Heirship. Please note that the Will (code **ATRQ/T137** or **ATRQ/551 (TX Residential)** item no. 13) are attached as exhibits to Affidavit of Heirship example, however, it is not reflected in screenshots below.

According to code **ATRQ/T137** or **ATRQ/551 (TX Residential)**, this Affidavit of Heirship is non-compliant due to:

- a. Missing cause of death (no death certificate attached)
- b. No death certificate attached
- c. Affidavit only signed by one (1) disinterested party
- d. Affidavit not executed by all adult heirs – namely Natasha C. Loggins, Nathan H. Duda, and Chad S. Duda

<u>AFFIDAVIT OF HEIRSHIP</u>	
STATE OF TEXAS	§
	§
COUNTY OF Harris	§
KNOW ALL MEN BY THESE PRESENTS:	
<p>NOTICE OF CONFIDENTIALITY RIGHTS: If you are a natural person, you may remove or strike any of the following information from this instrument before it is filed for record in the public records: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.</p>	
Date:	November <u>11</u> , 2013
Deceased:	Patsy Duda also known as Patricia Emma Duda
Property:	See Exhibit "A" attached hereto and made part hereof for all purposes.
Spouse:	Klaus J. Duda
Affiant:	Klaus J. Duda
<p>Affiant on oath swears that the following statements are true and are within the personal knowledge of Affiant:</p>	
<p>1. My name is Klaus J. Duda. Klaus J. Duda, and I live at 6502 Miller-Wilson Road, Crosby, Texas 77532. I am personally familiar with the family and marital history of Patsy Duda also known as Patricia Emma Duda. Patsy Duda also known as Patricia Emma Duda ("Decedent"), and I have personal knowledge of the facts stated in this affidavit.</p>	

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Topic: Affidavit of Heirship

2. I knew Decedent for over 40 years as I was her husband. Decedent was born on March 27, 1947 in Baytown, TX. Decedent died on November 12, 2008. Decedent's place of death was Crosby, TX. At the time of Decedent's death, Decedent's residence was at the Property.
3. Decedent's marital history was as follows: Decedent was married one time only to Klaus J. DudaKlaus J. Duda on February 3, 1968 in Crosby, TX and this marriage was terminated by the death of Decedent on November 12, 2008November 12, 2008.
4. Decedent had the following children born to or adopted by her during her lifetime:
 - a. Natasha C. Loggins, born on January 7, 1971, and currently residing at 18176 Miller-Wilson Road, Crosby, Texas 77532.
 - b. Nathan H. Duda, born on November 7, 1976, and currently residing at 15902 Penina Ct., Crosby, TX 77532.
 - c. Chad S. Duda, born on January 7, 1988, and currently residing at 1625 West Ainslie St., Chicago, IL 60640.
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: none.
6. The following persons have knowledge regarding Decedent, the family and marital history of Decedent, and the identities of Decedent's children, if any, and parents or siblings, if any, are disinterested third parties with respect to Decedent's estate, have personal knowledge of the facts stated in the Affidavit, and knew the Decedent personally for at least 10 years prior to his/her death:
 - a. Asa Bob Hearn, currently residing at 5502 Maple , Crosby, Texas 77532; and
 - b. Wilma E. Hearn, currently residing at 5502 Maple , Crosby, Texas 77532.
7. Decedent died leaving a will dated January 21, 1982 and attached hereto as Exhibit "B" and made part of hereof all purposes.
8. There has been no administration of Decedent's estate.
9. Decedent left no debts or claims that are unpaid, including, without limitation, any unpaid claims against the estate of Decedent relating to the "Medicaid Estate Recovery Program", except: none.
10. There are no unpaid estate or inheritance taxes, except: none.

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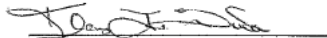


Topic: Affidavit of Heirship

11. To the best of my knowledge, Decedent owned an interest in the Property.

12. Decedent died on November 12, 2008November 12, 2008 in Crosby, TXCrosby, TX. At the time of herher death, the sole beneficiary of Decedent under her will and the sole heir at law of Decedent as to herher property was her husband, Klaus J. Duda, pursuant to Vernon's Civil Statute Section 45(2) of the Texas Probate Code, as all children born to the Decedent were also the children of herher surviving spouse.

I AM AWARE OF THE PENALTIES OF PERJURY UNDER FEDERAL LAW, WHICH INCLUDES THE EXECUTION OF A FALSE AFFIDAVIT, PURSUANT TO 18 U.S.C.S., SECTION 1621 WHEREIN IT IS PROVIDED THAT ANYONE FOUND GUILTY SHALL NOT BE FINED MORE THAN \$2,000 OR IMPRISONED NOT MORE THAN 5 YEARS OR BOTH. I AM ALSO AWARE THAT PERJURY IN THE EXECUTION OF A FALSE AFFIDAVIT IS A CRIMINAL ACT PURSUANT TO SECTION 37.02 OF THE TEXAS PENAL CODE. FINALLY I AM ALSO AWARE THAT UNDER SECTION 32.46 OF THE TEXAS PENAL CODE, A PERSON COMMITS AN OFFENSE, IF WITH INTENT TO DEFRAUD OR HARM A PERSON, HE, BY DECEPTION, CAUSES ANOTHER TO SIGN OR EXECUTE ANY DOCUMENT AFFECTING PROPERTY OR SERVICE OF THE PECUNIARY INTEREST OF ANY PERSON, AND THAT AN OFFENSE UNDER SUCH SECTION IS A FELONY OF THE THIRD DEGREE WHICH IS PUNISHABLE BY A FINE OF \$5,000 AND CONFINEMENT IN THE TEXAS DEPARTMENT OF CORRECTIONS FOR A TERM OF NOT MORE THAN 10 YEARS OR LESS THAN 2 YEARS.

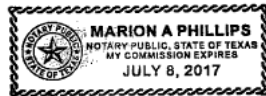

 Klaus J. DudaKlaus J. Duda


STATE OF Texas

§
§
§

COUNTY OF Harris

Sworn to and subscribed before me on this the 11th day of November, 2013, by Klaus J. DudaKlaus J. Duda.




 Notary Public, State of Texas

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Topic: Affidavit of Heirship

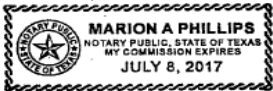
WITNESSED BY:

By signing below, each witness acknowledges that he/she has read the Affidavit, is a disinterested third party with respect to Decedent's estate, is personally familiar with the family and marital history of Decedent, has personal knowledge of the facts stated in the Affidavit, and knew the Decedent personally for at least 10 years prior to his/her death, and each witness confirms all facts set forth in the Affidavit.

Asa Bob Hearn
Asa Bob Hearn Asa Bob Hearn

STATE OF Texas §
COUNTY OF Harris §
§

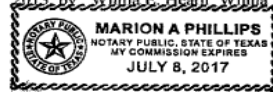
This instrument was acknowledged before me on this the 11th day of November, 2013, by Asa Bob Hearn Asa Bob Hearn.

 Marion A. Phillips
Notary Public, State of Texas

Wilma E. Hearn
Wilma E. Hearn Wilma E. Hearn

STATE OF Texas §
COUNTY OF Harris §
§

This instrument was acknowledged before me on this the 11th day of November, 2013, by Wilma E. Hearn Wilma E. Hearn.

 Marion A. Phillips
Notary Public, State of Texas

4.0 INSURED DEED RECORDED AFTER AFFIDAVIT OF HEIRSHIP

If Insured deed is recorded after Affidavit of Heirship and the heirs as per the affidavit of heirship are joining in the transaction and appears to be proper upon review, we can vest through the Insured Deed.

5.0 TRANSACTIONS OVER \$500,000.00

All transactions over \$500,000 where an Affidavit of Heirship is relied upon to determine ownership of property must **ALWAYS** have the following blank requirement code typed out on commitment.

ATRQ/533 or ATRQ/552 (TX Residential)

"Underwriting approval required as the current transaction is over \$500,000.00 and vesting is based upon an Affidavit of Heirship."

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REVISION HISTORY

Rev.	Date	CR #	Section(s)	Author	Description
1.0	09/14/2014		All	Misty Lewis	Initial build of document.
2.0	09/29/2014		5.0	Misty Lewis	Inclusion of blank code and verbiage.
3.0	10/6/2014		3.1.3.1 and 3.1.3.2	Misty Lewis	Added sections.
4.0	10/7/2014		5.0	Misty Lewis	Added code ATRQ/T187
5.0	07/11/2016		5.0	Jdurdle	Changed to 500k per UW memo
6.0	07/12/2016			Jdurdle	
7.0	01/27/2017		3.1.2 and 3.1.3	Joel Verwys	Fixed formatting of charts/screenshots so they appear correctly. No procedure changes.
8.0	06/05/2017		4.0 Site Review (old)	Andrew Marquez	Deleted old section 4.0 Site Review.
			All		Reformatted entire document.
	06/09/2017		All	Andrew Marquez	Published to Live Site.
9.0	12/08/2017		3.2 Non Compliance	Andrew Marquez	Added instructions to run GI on Affidavit of Heirship as section 3.2b.ii
					Inserted instructions to also show liens or judgments for those identified as heirs which have not been released
					Added new instructions as section 3.2c.iii
					Added phrase code for ATRQ/T193 in section 3.2c.iv
					Moved additional instructions on section 3.2c.iii as new 3.2c.v
	12/15/2017		All	Jonalyn De Guzman	Published to Live Site.
1.0	08/28/18		All	Gerrydel Alejandro	Copied from old DMS site
2.0	12/06/18		All	Jonalyn De Guzman	Revised Product Line metadata. No procedure changes.
3.0	06/12/19		3.1.2 Affidavits Filed Prior To September 1, 1993	Andrew Marquez	Revised header name
			3.1.3 Affidavits Filed After September 1, 1993		Revised header name
	06/14/19		All	Gerrydel Alejandro	Published to live site.
4.0	04/17/20		All	Mariel Bernal	Adjusted some formatting. No procedural changes.
5.0	09/11/21			FAHQ-SA-AIP-Scanner	System scanner. No procedure changes
6.0	07/12/22		None	Brittney Smith	Updated revision history. No procedure changes
7.0	10/13/22	004309	3.0: Compliance Vs. Non-Compliance		Added new points 15 and 17

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Rev.	Date	CR #	Section(s)	Author	Description
			3.1.2: Affidavits for Decedents Dying Prior To September 1, 1993		Added additional text “decedents” and “Remainder” in chart.
			3.1.3: Affidavits for Decedents Dying on or After September 1, 1993		Added additional text “decedents”, Estate and “Remainder” in charts.
			All	Jonalyn De Guzman	Published to live site.
	10/21/22		All	Jonalyn De Guzman	Published to live site.
8.0	05/08/23	005027	1.0 Overview	Arlyn Sta. Ana	Added instruction in the first 4-rows in the table.
			2.0 What is an Affidavit of Heirship	Arlyn Sta. Ana	Added phrases and statements in the definition.
			3.0 Compliance vs. Non-compliance	Arlyn Sta. Ana	Updated verbiage of ATRQ/T137
			3.1.1 Criteria	Arlyn Sta. Ana	Added point c.
			3.1.4 Commitment	Arlyn Sta. Ana	Added point c.iv to show code ATRQ/533
			3.2 Non Compliance	Arlyn Sta. Ana	Updated instruction in point b.ii. and added c.iv. to show code ATRQ/533.
			4.0 Transactions over \$500,000.00	Arlyn Sta. Ana	Changed code ATRQ/BLNK to ATRQ/533
	05/12/23		All	Arlyn Sta. Ana	Published to the Live site.
9.0	05/31/23	005358	3.0 Compliance vs. Non-Compliance	Arlyn Sta. Ana	Set ATRQ/551 (TX Residential) next to ATRQ/T137 when reflecting Affidavit of Heirship Added code ATRQ/551 and verbiage next to code ATRQ/T37
			3.1.1 Criteria	Arlyn Sta. Ana	Added code ATRQ/551 (TX Residential) next to code ATRQ/T137 in point b.
			3.1.4 Commitment	Arlyn Sta. Ana	Added code ATRQ/552 (TX Residential) next to code ATRQ/533 in point c.iv.
			3.1.5 Example of Compliance	Arlyn Sta. Ana	Added code ATRQ/551 (TX Residential) next to code ATRQ/T137.
			3.2 Non Compliance	Arlyn Sta. Ana	Added code ATRQ/551 (TX Residential) next to code ATRQ/T137 in the paragraph and in point c.vi. Added code ATRQ/552 (TX Residential) next to code ATRQ/T133 in point c.iv.
			3.2.1 Example of Non-Compliance	Arlyn Sta. Ana	Added code ATRQ/552 (TX Residential) next to code ATRQ/T133.
			4.0 Transactions Over \$500,000.00		
	06/02/23		All	Arlyn Sta. Ana	Published to the Live site.

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Rev.	Date	CR #	Section(s)	Author	Description
10.0	07/31/23	005626	4.0: Insured Deed Recorded After Affidavit Of Heirship	Aruna Dorairaj	Added new section.
	08/04/23		All	Arlyn Sta. Ana	Published to the Live site.

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