

Affidavit of Heirship Research Guide

Overview

This research guide includes information and resources on affidavit of heirship. An affidavit of heirship is a sworn statement averring that someone is a decedent's heir under a state's intestacy law and is entitled to inherit some or all of the decedent's property (*Black's Law Dictionary, 11th ed.*). This guide does not cover Determination of Heirship procedures, which is a separate but similarly named form of probate procedure. The resources listed below are not exhaustive and may not include the most up-to-date information. It is for information purposes only and should not be construed as legal advice or act as the substitute for legal counsel.

See also *Determination of Heirship* research guide.

Statutes and Codes

Texas Statutes Online www.statutes.capitol.texas.gov

Texas Estates Code

- Ch. 201 Descent and Distribution
<https://statutes.capitol.texas.gov/Docs/ES/htm/ES.201.htm>
- Ch. 203 Nonjudicial Evidence of Heirship
<https://statutes.capitol.texas.gov/Docs/ES/htm/ES.203.html>

Secondary Resources in Print

Texas Probate, Estate, and Trust Administration
REF KFT 1344 .T465

- Vol. 1, Ch. 10.07(3) Affidavit of Heirship
- Vol. 1, Ch. 10.07A FORM – Affidavit of Facts Concerning Identity of Heirs
- Vol. 2, § 31.03 Affidavits of Heirship to Collect Assets

O'Connor's Texas Probate Law Handbook REF KFT 1344 .H67

- Ch. 13-B Affidavit of Heirship

O'Connor's Texas Probate Forms REF KFT 1344 .H66

- Form 13B:1 Affidavit of Heirship

Texas Probate System REF KFT 1342 .S7

- Form 146 Affidavit of Heirship

Texas Litigation Guide REF KFT 1730 .T4

- Vol. 24, § 390.04 Selecting Probate Proceedings or Proceedings in Lieu of Probate
- Vol. 24, Ch. 391 Descent and Distribution

CLE Materials

Advanced Estate Planning and Probate KFT 1340 .A75S7

- 2021, Ch.2 Texas Estate and Trust Legislative Update, Section 7.1(e) Affidavit of Heirship as Evidence (Sec. 202.151)

Online Resources

Tarrant County Law Library Forms (under Probate section) <https://www.tarrantcountytexas.gov/en/law-library/forms.html>

How to Draft an Affidavit of Heirship (TexasLawHelp) <https://texaslawhelp.org/article/how-to-draft-an-affidavit-of-heirship#:~:text=An%20affidavit%20of%20heirship%20is,four%20years%20of%20their%20death>

Transferring Property After Death and Avoiding Probate Court (TexasLawHelp)

<https://texaslawhelp.org/article/transferring-property-after-death-and-avoiding-probate-court>

Legal Assistance

Legal Lines – Ask Attorneys simple legal questions (free service)

- Tarrant County LegalLine Sign-up
<https://www.tarrantbar.org/>
- Dallas County LegalLine Sign-up
<https://www.dallasbar.org/index.cfm?pg=legalline>

Tarrant County Bar Association Lawyer Referral Service: 817-336-4101 (\$20 for the first 30 minutes)

