

**Information to send to Valence Operating Company
to Change Ownership resulting from Inheritance**

DECEASED – TESTATE (With a Will)

- A. A copy of the Death Certificate
- B. A copy of Letters Testamentary IF payments are to be issued to the estate of the deceased. Please include any Tax Identification Number, if applicable.
- C. A copy of the probated Will, with Final Decree and/or Order Admitting Will to Probate
- D. If the deceased owner had a Will that was one of the following:
 - (1) probated in the county of his/her place of residence, but the county is not the location of the well(s),

OR
 - (2) the Will was not admitted for probate, then the Will should be filed of record in the Deed or Public records of the county(ies) where the well(s) are located. (Download County Clerk Information sheet) Once the recorded form has been returned to you, we ask that a copy be forwarded to the Division Order Department for our files.
- E. Provide the name, address, telephone number and Social Security Number of each of the heirs of the deceased owner.
- F. A copy of any trust agreements, if applicable.

DECEASED – INTESTATE (Without a Will)

- A. A copy of the Death Certificate
- B. If the deceased owner had no Will, then an Affidavit of Heirship must be used to distribute any assets of the deceased, in accordance with the Laws of Descent and Distribution.
 - (1) The heirship affidavit must be completed by a disinterested party, who is familiar with the family and marital history of the deceased, but does not stand to benefit from the estate.
 - (2) The affidavit must be filled out in its entirety and as accurately as possible. Please write legibly.
 - (3) Once the form has been completed, it must be notarized and filed of record in the county(ies) where the well(s) are located. (Download the County Clerk Information sheet)

After the recorded heirship affidavit has been returned to you, we ask that a copy be forwarded to the Division Order Department for our files.

- C. Provide the name, address, telephone number and Social Security Number of each of the heirs of the deceased.

AFFIDAVITS OF HEIRSHIP

An Affidavit of Heirship form has been made available for your use should this option be chosen in order to distribute the estate of the deceased. Please note the following:

If the deceased died intestate (without a Will) or the estate is small and the cost of probate is prohibitive, then many people choose to use an affidavit of heirship to distribute the assets of an estate. In most instances, it is preferred that two (2) separate forms be completed by two (2) separate individuals; however, this requirement may vary from company to company.

Regardless, the Heirship Affidavit **MUST** be completed by a disinterested person, who is familiar with both the family and marital history of the deceased, but does not stand to benefit from the estate. For our particular purposes, once the form has been completed and notarized, it **MUST** be filed of record in the County Clerk's office in the county(ies) where the well(s) are located. Once the form has been recorded and returned to you, we ask that a copy of the recorded document be furnished this office for our files.

IMPORTANT!

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It should be clearly understood that use of an Affidavit of Heirship requires that an estate be distributed in strict accordance with the Laws of Descent and Distribution, which require that the assets be passed in direct line within the family (i.e., from parent to child to grandchild, etc.) and may not be used in conjunction with any special bequests. *(Use of this form requires that the estate be distributed as outlined in the examples listed at the bottom of the page)*

Lastly, it should be understood that an Heirship Affidavit is used to create a formal legal instrument that will serve to document the proper chain of title and ownership attributed to the deceased and as such, it must be completed in its entirety and as accurately as possible. Whenever possible, please include each individual's entire name, accurate dates of death, divorce, etc. and a complete mailing address. Please write clearly and legibly.

A list of specific County Clerk offices has been made available for your use in recording any pertinent documents.

For information purposes, please note that use of an Heirship Affidavit will require that an owner's interest(s) be distributed as follows:

SEPARATE PROPERTY:

When an individual dies intestate (without a Will), leaving a surviving spouse and children, then the surviving husband or wife shall be entitled to a Life Estate in one-third (1/3) of the estate, with the remaining two-thirds (2/3) of the estate to the child or children of the deceased. Upon the death of the surviving spouse, the Life Estate will terminate and the one-third (1/3) interest shall pass to the children.

COMMUNITY PROPERTY:

When an individual dies intestate (without a Will), the community property portion of the estate will pass to the surviving spouse if (1) there are no children or (2) any children are the children of both the deceased spouse and the surviving spouse.

When an individual dies without a Will and any children ARE NOT the children of the surviving spouse, then one-half (1/2) of the community estate is retained by the surviving spouse and one-half (1/2) shall pass to the children of the deceased.

AFFIDAVIT OF HEIRSHIP

As To _____, Deceased

STATE OF _____

COUNTY OF _____

_____, of lawful age, being first duly sworn, upon oath deposes and says:
(Name of Person making Affidavit)

That affiant was personally well acquainted with the above named decedent, during his lifetime, having known him (or her) for _____ years, and that affiant bears the following relationship to said decedent, to wit: _____. Said decedent departed this life at _____, in _____ County, State of _____, on or about _____, 19 _____, being _____ years old at the date of his (or her) death.

Affiant states that affiant was well acquainted with the family and near relatives of the said decedent, and the following statements and the answers to the following questions are based upon the personal knowledge of affiant and are true and correct:

- 1. Did the decedent leave a Will? _____. If so, has the Will been admitted to probate? _____.
- 2. Have any administration proceedings or other proceedings been filed in connection with this estate?

If so, describe the nature of such proceedings:

Where filed? _____ When? _____

- 3 Was decedent married or single at the time of death? _____ If married, give name of spouse, address and date of marriage to decedent: _____

NAME ADDRESS DATE OF MARRIAGE

Is spouse now living? _____ If not, state date of death: _____

- 4. Was decedent ever married? _____ If so, how many times? _____

Give the following information on all spouses of decedent other than the above named widow or widower:

NAME	DATE OF MARRIAGE	DATE OF DIVORCE	DATE OF DEATH
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

- 5. On the blank lines, give the names and places of residence of all children of decedent who were living at the time of decedent's death, together, with the other information called for: (If none, show NONE)

Name of Child	Date of Birth	Address, if not Living Date of Death	Name of Husband or Wife	Address, if not Living Date of Death
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

AFFIDAVIT OF HEIRSHIP

Name of Deceased

6. Give below the names of any deceased children of decedent, together with the other information called for: (If none, show NONE)

Name of Child	Date of Birth	Date of Death	Surviving Husband/Wife	Living/Date of Death
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

7. Give the names of the children of any deceased son or daughter of the decedent: (If none, show NONE)

Name of Child	Date of Birth	Address/If not living, Date of Death	Name of Father and Mother
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

8. Did the decedent have any step-children taken into his home or any legally adopted children?

9. If so, write their names, ages and addresses in blank lines below and indicate as to each whether adopted or step-child:

Name of Child	Date of Birth	Address/If not living, Date of Death	Name of Father and Mother
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

10. Did the decedent leave any unpaid debts? _____. If so, give, as nearly as possible, the amount and nature of such debts and whether they have since been paid:

11. State (so far as known to affiant) whether any Inheritance or Estate Tax is due on the estate of decedent or whether same has been paid: _____

(IF DECEDENT LEFT SURVIVING CHILDREN, THEN ITEMS 12 AND 13 BELOW MAY BE DISREGARDED)

12. Give below the names and addresses (together with other information called for) of the surviving father, mother, brothers and sisters of decedent:

Name	Relationship	Date of Birth	Name of Father and Mother
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

AFFIDAVIT OF HEIRSHIP

Name of Deceased

13. Give below the names and addresses (together with other information called for) of the surviving children of any deceased brother or sister of the decedent:

Name of Child	Date of Birth	Address/If not living, date of Death	Name of Father and Mother
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

SIGNATURE OF PERSON MAKING AFFIDAVIT: _____
Name

Subscribed and sworn to before me this _____ day of _____, 20____.

My commission expires: _____
Notary Public

CORROBORATING AFFIDAVIT

STATE OF _____
COUNTY OF _____
(To Be Signed By Some Person Other Than The One Making The Foregoing Affidavit)

_____, of lawful age, being first duly sworn, upon his oath states:

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

Name

Subscribed and sworn to before me this _____ day of _____, 20____.

My commission expires: _____
Notary Public

NOTE: IF ANY HEIRS OF DECEDENT HAVE ALSO DIED SINCE HIS (OR HER) DEATH, A SEPARATE PROOF OF HEIRSHIP FORM MUST BE OBTAINED FOR EACH DECEASED INDIVIDUAL