

# Instructions for Completing Affidavit of Heirship

(DO NOT RECORD THIS PAGE)

1. The first signature on this form may be signed by a member of the family, as long as he or she is not an heir/beneficiary to the deceased.
2. The Corroborating Affidavit (2<sup>nd</sup> signature) must be signed by a person who is not a member of the family.
3. This form must be signed in the presence of a Notary Public.
4. If additional space is needed, please provide the information as an attachment. The attachment must be recorded as an additional page to the Affidavit of Heirship.
5. After the document has been signed and notarized, we require that you have this document recorded in the County/Parish where the subject land is located.
6. A recorded copy must be furnished to us at the below information. It does not have to be a certified copy.

Mail: BHP Billiton Petroleum  
Land Department  
P.O. Box 22719  
Houston, Texas 77227-9998

Email: [petroleumownerrelationsrequest@bhpbilliton.com](mailto:petroleumownerrelationsrequest@bhpbilliton.com)

Fax: 1-888-484-3189

7. Please include a copy of the death certificate when sending us the recorded copy of the Affidavit of Heirship. The death certificate does not need to be recorded.
8. **VERY IMPORTANT:** When sending the recorded Affidavit of Heirship to our office, please provide a W-9 for all heirs/beneficiaries. Failure to furnish this number will result in 28% tax withholding in accordance with Section 3406 of the Internal Revenue Service. Any tax withheld will not be refundable by BHP Billiton. **DO NOT INCLUDE SOCIAL SECURITY NUMBERS ON THE DOCUMENT BEING RECORDED.**  
**Please note:** If any heirs of decedent have died since his or her death, we require a separate Affidavit of Heirship or probate documents for each heir.

**Should you have any questions, please contact our owner relations Call Center at the information provided above.**

## Frequently Asked Questions

**Q:** What is an heir?

**A:** An heir is a person who acquires property upon the death of another.

**Q:** What is a devisee?

**A:** A devisee is a person who receives a gift of real property by a will.

**Q:** What is a decedent?

**A:** A decedent is a person who has passed away.

**Q:** Why can't I fill this out myself?

**A:** BHP requires a third party who personally knew or was familiar with the Decedent to complete the Affidavit of Heirship. A third party is someone who will not receive any of the Decedent's mineral interest.

**Q:** What is a corroborating affidavit?

**A:** A corroborating affidavit is from (or signed by) a person who confirms and verifies that the information stated on the affidavit is true to the best of his/her knowledge.

**Q:** How long will it take to process?

**A:** Please allow up to 90 days for us to complete the distribution. The heirs or devisees will receive a transfer order to indicate the distribution has been completed.

**Q:** What if I don't complete the Affidavit of Heirship?

**A:** BHP will need a completed Affidavit of Heirship. If we do not receive a completed one, we will be unable to make any type of distribution, and the interest will remain in suspense.

**Affidavit of Heirship**

**Decedent's Name** \_\_\_\_\_ **Owner Number** \_\_\_\_\_

**County/Parish of** \_\_\_\_\_ **State of** \_\_\_\_\_

\_\_\_\_\_, of lawful age, being first duly sworn, upon oath deposes: That Affiant was personally acquainted with Decedent, during his/her lifetime, and that Affiant bears the following relationship to Decedent: \_\_\_\_\_. The Decedent died in \_\_\_\_\_ County/Parish, State of \_\_\_\_\_ on or about \_\_\_\_\_, being \_\_\_\_\_ years old, as a resident of \_\_\_\_\_ County/Parish, State of \_\_\_\_\_.

Affiant was well acquainted with the family and near relatives of Decedent, and the statements and answers to the following questions are based on personal knowledge of Affiant and are true and correct.

1. Did Decedent leave a will? \_\_\_\_\_ If so, has the will been admitted to probate? \_\_\_\_\_ Date: \_\_\_\_\_  
County/Parish: \_\_\_\_\_ State: \_\_\_\_\_
2. Was an administrator or executor appointed for the estate? \_\_\_\_\_ Name and address: \_\_\_\_\_
3. Did the decedent leave any debts and/or taxes (ad valorem, estate, or inheritance) that have yet to be paid? \_\_\_\_\_  
If so, what type of debt and in what amount? \_\_\_\_\_
4. Was the decedent married, single, widowed or divorced at the time of death? \_\_\_\_\_
5. Provide the decedent's marital history. List names, addresses, dates, and cause of termination (divorce or death) for all marriages: \_\_\_\_\_
6. To the best of my knowledge, Decedent owned an interest in the following real property:  
\_\_\_\_\_
7. Was the property of this affidavit acquired by gift, devise, inheritance, or purchase? \_\_\_\_\_ Date acquired? \_\_\_\_\_
8. Provide the following information for all children born of or legally adopted by Decedent.

<b>Name of Child</b>	<b>Address</b>	<b>Date of Birth</b>	<b>Date of Death</b>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

9. If the Decedent did not have any children, list below the following information for the Decedent's parents. If one or both parents are deceased, list below the following information for the Decedent's biological and adopted siblings.

Name	Relationship	Address	Date of Birth	Date of Death	Name of Parents
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. County/Parish of \_\_\_\_\_ State of \_\_\_\_\_

**Affiant Signature** \_\_\_\_\_

Sworn to and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by \_\_\_\_\_.

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

**Corroborating Affidavit**

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. County/Parish of \_\_\_\_\_ State of \_\_\_\_\_

\_\_\_\_\_, of lawful age, being first duly sworn, upon oath states: That the information given in the above and foregoing affidavit is true, and accurate, to the personal knowledge of this Affiant.

**Corroborating Affiant Signature** \_\_\_\_\_ **Corroborating Affiant Printed Name** \_\_\_\_\_

Sworn to and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by \_\_\_\_\_.

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

# Request for Taxpayer Identification Number and Certification

**Give Form to the  
 requester. Do not  
 send to the IRS.**

<b>Print or type See Specific Instructions on page 2.</b>	<b>1</b> Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.	
	<b>2</b> Business name/disregarded entity name, if different from above	
	<b>3</b> Check appropriate box for federal tax classification; check only <b>one</b> of the following seven boxes: <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____ <b>Note.</b> For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner. <input type="checkbox"/> Other (see instructions) ▶ _____	<b>4</b> Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <i>(Applies to accounts maintained outside the U.S.)</i>
	<b>5</b> Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
	<b>6</b> City, state, and ZIP code	
	<b>7</b> List account number(s) here (optional)	

## Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

<b>Social security number</b>									
				-			-		
<b>or</b>									
<b>Employer identification number</b>									
				-					

**Note.** If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

## Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

<b>Sign Here</b>	Signature of U.S. person ▶	Date ▶
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## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

**Future developments.** Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at [www.irs.gov/fw9](http://www.irs.gov/fw9).

### Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

*If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding? on page 2.*

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.