

Requirements for transferring a deceased person's royalty interest

In order to protect a royalty owner's interest and ourselves from liability, we must keep our files current to ensure a "cloud free" chain of title on each property we operate. In the event of an owner's death, his heirs or assigns would receive his interest. However, we must have the correct documentation to effectuate a legal transfer of those interests. Therefore, the following is a list of the documents we need in order to transfer a deceased person's interest to his or her heirs or assigns. **We do not need Certified Copies of any instrument, but all necessary documents must be recorded in the county where the property/well is located.**

First and foremost, we must receive written notification that an interest owner has died. With this notification, it would be helpful to have all the necessary documents included in order to speed the process of transferring interests. If any beneficiaries of the deceased are also deceased, please include the proper Probate documents for their estates as well. The scenarios given below cover the majority of our interest owners.

1. Will – Formal or Informal Probate Administration

If an interest owner dies, leaving a will, we need recorded copies of the Final Order of Probate including the recorded Will. If Letters Testamentary or Letters of Administration have been issued, please forward those to our Division Order Department at your earliest convenience. If the estate is to be administered, please forward the estate's Federal Employer Identification Number (EIN) via IRS Form W-9.

2. Will – No Probate Administration Undertaken

Where the deceased left a will, but no administration is undertaken, it is necessary to probate the will as a Muniment Of Title. This procedure ensures that title to the property will be clear and all interested parties will be involved in the proceedings. Please forward the recorded copies of the Order which will include the will.

3. No Will – Intestate Succession

Where the deceased left no will, the laws and practices of intestate succession will be applied to the interests left by the deceased. In order to make a valid transfer of these interests, it is best to have the estate formally administered by a court with proper jurisdiction.

However, in some cases we will accept informal documentation of the deceased's estate. We will need the following documents:

1. A copy of the Death Certificate,
2. An **Affidavit of Heirship** prepared by a non-family member, properly notarized and filed for record in the county where the property/well is located.
3. Additionally, we need proper identification of the heirs through a completed IRS Form W-9.

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Once again, this procedure does not ensure a clear chain of title and could possibly jeopardize the future ownership of the interest. If at all possible, it is best to have the estate properly administered.

4. Trusts

Where the deceased left interests through operation of a non-testamentary Trust, we will need:

1. A copy of the Trust document,
2. Verification of the Trust Tax Identification Number (TIN) and
3. Current address information for the Trustee.

If the deceased left interests by Grantor-Revocable Trust, we need copies of the above, including the Trustee's Social Security Number.

If the above information is not provided, we must place the account in suspense until such time as all information is received.

To place an account in suspense means that revenue is being credited but no monies are being disbursed to the account holder for one reason or another. Once we are provided the missing information, we release the account and issue a check. It is our policy to hold money in any account until such time as the total reaches \$100 before issuing a check.

If you have additional questions or concerns or the above scenarios do not apply to your situation, please contact our Division Order Department at (940) 665-4373 ext. 243.

**AFFIDAVIT OF HEIRSHIP
OF**

_____, **Deceased**

STATE OF _____)

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF _____)

BEFORE ME, the undersigned authority, on this day personally appeared the undersigned Affiant who, first duly sworn upon her oath states that the answers and other statements hereinafter set forth are true and correct.

1. My name is _____, I am over the age of eighteen years and otherwise competent to make this Affidavit. I am familiar with the marital and family history of _____ (hereinafter referred to as "Decedent") and I have personal knowledge of all of the facts contained within this Affidavit and I have no interest in the estate of the Decedent. I am (am not) related to Decedent.
2. How long and how well were you acquainted with the decedent?

3. Give date decedent was born _____
4. Decedent departed this life at or near the city or town of _____ in the County of _____, State of _____
5. Answer one of the following (a or b)
 - a) Was this land occupied as the homestead of the decedent? _____ Is this land now occupied as the homestead of decedent survivors? _____

OR

- b) Is the State in which the property is located a community property State? _____ If yes, was the property community or separate? _____
6. Complete one of the following (a, b, c, or d)
 - a) Decedent died leaving a Will and the Will was probated and/or administration had on decedent's estate in Case No. _____, in the County of _____, State of _____, The name and address of the Executor or Personal Representative is _____

Ancillary probate proceedings were (were not) initiated in the State of _____ (State in which property is located). If an ancillary probate, Case No. _____, was filed in the County of _____.

OR

- b) Decedent died leaving a Will but there will be no administration of the estate of decedent nor is any administrator necessary or contemplated. _____

OR

- c) Decedent died without leaving a written Will and the estate was administered in Case No. _____, in the County of _____, State of _____. The name and address of the Administrator or Personal Representative is _____. Ancillary probate proceedings were (were not) initiated in the State of _____ (State in which the property is located). If so, ancillary probate Case No. _____ was filed in the County of _____.

OR

d) Decedent died without leaving a written Will and there has been no administration of the estate of decedent nor is any administration necessary. _____

7. Are there any debts and/or taxes still owing by decedent's estate? _____ If so, will decedent's personal estate be sufficient to pay such debts? _____
8. Was decedent married at the time of death? _____ If so, complete the following table giving details on the decedent's spouse or spouses.

DECEDENT SPOUSE(S) INFORMATION

Name of Spouse	Date of Marriage	How was Marriage Terminated & Date	Address, if Living. If deceased, Date & Place of Death

9. If spouse (or spouses) is deceased, was Will probated or other administration had on the estate?
 First spouse _____ Second spouse _____ If so, give name of spouse and in what County the Will was probated or other administration had.
 First spouse _____ Second spouse _____
 Are there any debts still owing by first spouse estate? _____ Second spouse? _____
 If so will first spouse's personal estate be sufficient to pay such debts? _____ Second spouse? _____
10. Give all information called for in the following table with reference to all children, whether living or dead, born or adopted by decedent. Designate all adopted children.

Name of Child	If married, name of Spouse	Date Born	If deceased, give date of death	Address if living. Place of death, if deceased

11. Give information called for in the following table concerning children of any deceased child of the decedent (whether natural or adopted). If no children, so state.

Deceased child	Deceased child's spouse	Deceased child's children	Date Born	If deceased, give date of death	If Living, give Address

12. If the decedent left no children, then give below the names, addresses and ages of decedent's surviving father, mother, brothers, and sisters.

Name	Relationship	Age	Address

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I have attached a certified copy of decedent's death certificate to this Affidavit.

AFFIANT

Signature: _____

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

My commission expires:

Notary Public in and for _____
County of _____

CORROBORATING AFFIDAVIT

STATE OF _____

COUNTY OF _____

_____, of lawful age, being first duly sworn upon his oath states:
That the information given in the above and foregoing Affidavit, made by Affiant,
_____ is true to the personal knowledge of this Affiant

Signature: _____

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

My commission expires:

Notary Public in and for _____
County of _____

With reference to the following lands: