

# Information to send to Remora Management, LLC to Change Ownership resulting from the Death of an Owner

## OPTION #1

## DECEASED -TESTATE (With a Will)

***FOLLOW THESE INSTRUCTIONS ONLY IF THE WILL WAS ADMITTED TO PROBATE***

- 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 probated in the county of his/her place of residence, **but** the county is **not** the location of the well(s), then the Will with the final decree attached should be filed of record in the County Clerk's office of any county(ies) in which a well(s) is located.

***IMPORTANT*** - When requesting that a Will with Final Decree be filed of record in a county other than the county of residence, you DO NOT want to file the Will in the Probate Records, but rather in the Deed or Public Records of the county since the Will and Final Decree are being recorded for the same purpose as a deed or conveyance document, which is to transfer ownership from the decedent to the heirs.

### [\(Download County Clerk Information Sheet\)](#)

- 1. Once the recorded document has been returned to you, send a **copy** to the Division Order Department for our files.
- 2. A second recorded **copy** of the Will and Final Decree should also be sent to the county appraisal district office for each county in which a well may be located in order to update the tax roles to reflect the change of ownership.

### [\(Download the Appraisal District Information Sheet\)](#)

- E. Provide the name, address, telephone number and Social Security or Tax Identification Number of each of the heirs of the deceased owner.
- F. If a **trust is** created under the terms of the Will, please provide copies of the following:
  - 1. Page(s) establishing the name of the trust and the date created
  - 2. Page(s) designating the trustees and/or successor trustees
  - 3. Page(s), if any, within the trust that specifically document any mineral interests owned by the trust
  - 4. Signature pages

and, if applicable,

  - 5. a recorded **copy** of any Executor's Deed or other conveyance document that may be used to convey the decedent's mineral interests to the heirs.

**OPTION #2 DECEASED - INTESTATE (Without a Will OR the Will is not being admitted to probate)**

***FOLLOW THESE INSTRUCTIONS IF THE DECEDENT LEFT NO WILL OR THE ESTATE WAS TOO SMALL TO WARRANT THE EXPENSE OF PROBATING A WILL***

- A. A copy of the Death Certificate.
- B. If the deceased owner had no Will OR the Will is not being admitted to probate, then any assets must be distributed in accordance with the Texas Laws of Descent and Distribution by use of an Affidavit of Heirship form, which requires that the assets of the deceased be passed down in a direct line within the family. **A Will is not effective to prove title to, or the right to possession of, any property disposed of by the will until the will is admitted to probate. In the event a Will is not probated, the descendant's property passes to his or her heirs under Texas Laws of Descent and Distribution as if he or she died without a will.**
- (1) The Affidavit of Heirship must be completed by a disinterested party, who is familiar with both the family and marital history of the deceased, but does not stand to benefit from the estate.
  - (2) The Affidavit of Heirship must be prepared as accurately and with as much detail, as possible. Form attached herewith.

**IMPORTANT - Please remember that you are creating a formal legal instrument and it is illegal to misrepresent or to falsify information documented on the form.**

- (3) Once the Affidavit has been completed, it must be notarized and filed of record in the county(ies) where the well(s) are located. After the recorded heirship affidavit has been returned to you, send a recorded **copy** to the Division Order Department for our files.
- (4) A second recorded **copy** of the Affidavit of Heirship should also be sent to the county appraisal district office for each county in which a well may be located in order to update the tax roles to reflect the change of ownership.

Note: It is recognized that attaching an un-probated Will to an Affidavit of Heirship when sent to the appropriate county(ies) for recording can in no way be effectual for the purpose of proving title to, or right to possession of, any property, but can dispel any worries as to what problems may arise if it were later decided to probate the Will as a Muniment of Title. If the deceased desired for their real property to be distributed in a different way than the Texas Laws of Descent and Distribution dictate, a *Disclaimer* form may be completed by heirs who wish to disclaim any interest.

**[\(Click here to download the County Clerk Information Sheet\)](#)**

**[\(Click here to download the County Appraisal District Office listing\)](#)**

# AFFIDAVIT OF HEIRSHIP

THIS AFFIDAVIT MUST BE FILED WITH THE COUNTY CLERK AND MUST BE COMPLETED BY A THIRD DISINTERESTED PARTY (AFFIANT) WHO WILL NOT BENEFIT FROM THE DECEDENT'S ESTATE. DO NOT COMPLETE THIS FORM IF THE DECEDENT LEFT A WILL THAT WAS PROBATED IN COURT OR THERE HAS BEEN SOME OTHER TYPE OF COURT DETERMINATION TO THE ESTATE.

DECEASED OWNER'S NAME

## SECTION A. WITNESS INFORMATION.

1. My name is: \_\_\_\_\_

My current address is: \_\_\_\_\_

I have personal knowledge of the family history and facts of heirship of: \_\_\_\_\_

NAME OF DECEASED PERSON (DECEDENT)

I am **not the claimant**, and I **will not benefit** from the decedent's estate. ☐ True

The decedent was my \_\_\_\_\_. I knew the decedent for \_\_\_\_\_ years.

RELATIONSHIP

## SECTION B. DECEDENT INFORMATION

2. Decedent died on \_\_\_\_\_

DATE OF DEATH

Decedent's residence at the time of decedent's death: \_\_\_\_\_

CITY

STATE

ZIP

Decedent left a PROBATED will: ☐ Yes ☐ No (if yes, this form is not required, file the Probated Will in the appropriate County)

## SECTION C: MARITAL AND FAMILY HISTORY

If additional space is needed for any of the fields below, please provide an attachment with the additional information

3 At the time of decedent's death, decedent was: ☐ Never married ☐ Married ☐ Divorced/widowed

List **all** marriages, including those that ended in divorce or death. (Mark N/A if not applicable)

NAME OF SPOUSE	DATE OF MARRIAGE	DATE OF DIVORCE	DATE OF SPOUSE'S DEATH	CURRENT ADDRESS

4. Did the decedent have any children (biological or adopted)? ☐ Yes ☐ No (If yes, complete information below. If no, proceed to #6)

NAME OF CHILD	DATE OF BIRTH	NAME OF CHILD'S OTHER PARENT	CURRENT ADDRESS

5. Are any of the children listed in #4 deceased? ☐ Yes ☐ No (If yes, complete information below. If no, proceed to Section D – Attestation)

### DECEASED CHILD INFORMATION

### CHILDREN OF DECEASED CHILD

NAME OF DECEASED CHILD	DATE OF DEATH	CHILD	IS CHILD ALIVE? Y/N	CHILD'S OTHER PARENT (IF KNOWN)

6. Did the decedent have:

- a. A surviving spouse at time of death? ☐ Yes ☐ No
- b. Surviving children or children's descendants at time of death? ☐ Yes ☐ No
- c. If yes to at least one of the above, proceed to Section D – Attestation

7. Provide the following information on the decedent's parents:

NAME OF PARENT	IS THIS PARENT DECEASED?	IF YES, PROVIDE DATE OF DEATH	CURRENT ADDRESS IF LIVING

8. Are either of the decedent's parents deceased? ☐ Yes ☐ No (If yes, complete information below. If no, proceed to Section D – Attestation)

9. Did the decedent have LIVING siblings? ☐ Yes ☐ No (If yes, complete information below. If no, proceed to Section D – Attestation)

NAME OF SIBLING CURRENT ADDRESS	DATE OF BIRTH	SIBLING MOTHER NAME	SIBLING FATHER NAME

10. Did the decedent have DECEASED siblings? ☐ Yes ☐ No (If yes, complete information below. If no, proceed to Section D – Attestation)

**DECEASED SIBLING INFORMATION**

**CHILDREN OF DECEASED SIBLING**

NAME OF DECEASED SIBLING	DATE OF DEATH	IS SPOUSE ALIVE? Y/N	CHILD	IS CHILD ALIVE? Y/N	CHILD'S OTHER PARENT (IF KNOWN)

**SECTION D. ATTESTATION**

**\*\*Section D must be completed in front of a notary public\*\***

I swear under penalty of perjury that the foregoing is true, accurate, and complete to the best of my knowledge.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
(SIGNATURE OF WITNESS BEFORE NOTARY)

State of \_\_\_\_\_ County of \_\_\_\_\_.

Sworn to and subscribed to before me on \_\_\_\_\_  
(DATE)

By \_\_\_\_\_  
(PRINTED WITNESS NAME)

\_\_\_\_\_  
(NOTARY SIGNATURE)

(Notary Seal)

My commission expires: \_\_\_\_\_ day of \_\_\_\_\_

**THIS AFFIDAVIT MUST BE FILED IN THE COUNTY CLERK'S RECORD**