

# Information to send to Valence Operating Company 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.

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

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

# AFFIDAVITS OF HEIRSHIP

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

## TEXAS LAWS OF DESCENT AND DISTRIBUTION

### SEPARATE REAL PROPERTY:

When an individual dies intestate (without a Will OR with a Will that is not being probated), leaving:

1. a surviving spouse and children, then the surviving husband or wife shall be entitled to a Life Estate interest 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) life estate interest shall revert back to the children
2. a surviving spouse, but no children, then the surviving spouse is entitled to 100%
3. a surviving mother, father and spouse, then the surviving parents will each receive one-fourth (1/4) and the surviving spouse will receive one-half (1/2)
4. a parent, siblings (or their descendants) , and surviving spouse, then the parent will receive one-fourth(1/4), the siblings will receive one-fourth (1/4) and the surviving spouse will receive one-half (1/2)
5. a parent, no siblings and a surviving spouse, then the parent and the surviving spouse each receive one-half (1/2)
6. no parents, siblings and a surviving spouse, then the siblings and the surviving spouse each receive one-half (1/2)
7. no parents, no siblings (or any descendents of a sibling) and a surviving spouse, then the spouse receives 100%

### COMMUNITY PROPERTY:

When an individual dies intestate (without a Will), the community property portion of the estate will pass as follows:

1. to the surviving husband or wife IF (1) there are no children, or (2) any children are the children of BOTH the decedent and the surviving spouse.

to the surviving spouse, one-half (1/2) and the remaining one-half (1/2) to any children IF the children ARE NOT the children of the surviving spouse.





STATE OF \_\_\_\_\_)

COUNTY OF \_\_\_\_\_)

I, \_\_\_\_\_, of lawful age, being first duly sworn, upon my oath depose and say: That I am familiar with the family of the presently named descendent and was personally well acquainted with the descendent during his/her lifetime, having known him/her for \_\_\_ years, and that I bear the relationship of \_\_\_\_\_. I further represent that the above statements and information given are based on my personal knowledge and are true and correct.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City/State/Zip Code

\_\_\_\_\_  
Telephone Number

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

\_\_\_\_\_  
(NOTARY AS WITNESS)

\_\_\_\_\_  
Expiration of Commission

NOTARY ACKNOWLEDGEMENT

STATE OF \_\_\_\_\_)

COUNTY OF \_\_\_\_\_)

This Instrument was acknowledged to me on \_\_\_\_\_, by \_\_\_\_\_.  
Date Name of Person

\_\_\_\_\_  
Signature of Notarial Officer

\_\_\_\_\_  
Print Name

(Seal)

Commission Expires: \_\_\_\_\_