

### GUIDELINES FOR PREPARING AN AFFIDAVIT OF HEIRSHIP

The following constitute the elements of a proper affidavit or table of heirship of a deceased owner of real estate for title insurance purposes.

1. An affidavit in form which is signed and sworn to by a person in a position to know the facts, such as a close relative or close acquaintance. The affidavit must be notarized and the affiant's address should appear on the instrument.
2. Where the affiant claims to be the sole heir, then a corroborative affidavit by a disinterested person should be provided.
3. The affidavit should contain the following facts:
  - a. The date of death.
  - b. A recital that the decedent was the owner of the land.
  - c. The value of the decedent's estate for Federal Estate Tax purposes.
  - d. Whether the decedent died testate or intestate.
  - e. The number of times the decedent was married, the name of each spouse, and whether the marriage ended by death or dissolution.
  - f. The number of children born of each marriage, the name of each child, and his or her age and marital status.
  - g. A positive statement that only the children listed was born of each marriage.
  - h. A positive statement that the only children listed was born of the deceased.
  - i. Whether any child of the decedent has died, if so, the date of death and all of the information necessary to determine whether there may be per stirpes distribution. NOTE: If a child or spouse died after the deceased owner, that heir's share will pass through the heir's estate. Therefore, the heir's estate will have to be examined separately to determine the devolution of that share. If the heir's estate is not probated, a separate table should be provided.
  - j. Whether the decedent did or did not adopt any children.
  - k. If the decedent left no descendants or spouse, the affidavit must affirmatively so state before listing ancestors or collaterals.

**AFFIDAVIT OF HEIRSHIP**

State of \_\_\_\_\_ )

County of \_\_\_\_\_ )

\_\_\_\_\_ (Affiant) being duly sworn upon oath, states:

1. That the Affiant resides at \_\_\_\_\_.
2. That the Affiant is \_\_\_\_\_(relationship) of  
\_\_\_\_\_ (decedent).
3. That the Decedent died on \_\_\_\_\_ in the County of  
\_\_\_\_\_, State of \_\_\_\_\_. (Attach copy of death certificate.
4. That the Decedent died owning an interest in the property commonly known as  
\_\_\_\_\_ and more fully described in  
commitment no. \_\_\_\_\_.
5. That the Decedent died leaving (a/no) Will. (Attach copy of will if applicable.)
6. That the Decedent was married to the following individuals and no others:

Name	Status
_____	_____
_____	_____
_____	_____

7. That the following children and no others were born to or adopted by the Decedent:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. That to the best information and belief of the Affiant, no children were born to or fathered by the Decedent out of wedlock except as follows:

\_\_\_\_\_

9. That in the event the Decedent died without wife or child surviving, to the Affiant's best information and belief the following represents the Decedent's heirship (include names of all deceased descendents):

\_\_\_\_\_

10. That the total value of the estate of the Decedent including the taxable interest in the aforesaid property is \$\_\_\_\_\_.
11. That no claims have been filed against Decedent and that all expenses of illness and/or funeral expenses have been paid in full: or, that the following claims will be paid from the proceeds of the subject property:
12. That the Federal Estate Tax (has/has not) been paid, that the Illinois Inheritance Tax (has/has not) been paid; that no (Federal Estate Tax/Illinois Inheritance Tax) is due.
13. That the Affiant makes this affidavit to induce ATA National Title Group to issue its policy of title commitment number \_\_\_\_\_ and with knowledge that ATA National Title Group will rely on the representations made and contained herein to insure title.

Further Affiant sayeth not.

\_\_\_\_\_  
Affiant

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

\_\_\_\_\_  
Notary Public