

## **INSTRUCTION FOR CHANGE OF OWNERSHIP (DECEASED OWNER)**

Did the owner have a Probated Will? If yes, XTO will need copies of the following documents as recorded in the county where the affected property/well is located:

- Final Decree of Distribution, Determination of Heirship, Certificate of Transfer, or Judgment of Possession (if applicable)

**OR** (all of the following)

- Last Will and Testament
- Death Certificate (copy will be sufficient)
- Letters Testamentary
- Order Admitting will to Probate / Final Probate Order
- Recorded Deed to beneficiaries or trust (if applicable)

If the Will was NOT probated in the County/State where the property/well is located, please provide copies of the Ancillary Probate Proceedings as recorded in the County/State where the property is located. Please note that many states do not accept foreign probate. You may wish to contact an attorney to ensure adherence to the applicable standards.

Please furnish the Names, Addresses, Social Security / Federal Tax Identification Numbers for each heir or beneficiary.

If probate proceedings are not going to be initiated, an Affidavit of Heirship as recorded in the county/state where the property is located will be required in order to amend our records.

Attached you will find a letter of instruction and blank Affidavit of Heirship, in case this option is necessary.

When available, please forward all the necessary documents to XTO Energy in the following way:

**Email:** [divorder@xtoenergy.com](mailto:divorder@xtoenergy.com) (scan and attach as a PDF)

Sincerely,

*Any instructions provided by XTO Energy Inc. are provided for informational purposes only and are based on XTO Energy Inc.'s customary documentation and policy requirements. Documentation and policy requirements may differ based on the facts of each matter. No information or instructions provided by XTO Energy Inc. constitutes or should be construed as legal advice, and you are encouraged to seek advice from a licensed attorney of your own choosing. XTO Energy Inc. shall not be responsible for your use of or reliance on any instructions or information provided by XTO Energy Inc. and you hereby release XTO Energy Inc. from all such liability and hereby assume any and all risks associated therewith.*

**INSTRUCTIONS FOR CHANGE OF OWNERSHIP AFTER OWNER'S DEATH  
(AFFIDAVIT OF HEIRSHIP)**

If a deceased owner's Estate will not be probated, XTO requires the following documentation in order to update our records to reflect the appropriate ownership:

- Death Certificate (copy is sufficient)
- Affidavit of Heirship **recorded in the county where the property/well is located**. This document should be completed by a disinterested party (someone who will not benefit from the Estate).

Click on the PDF to download an Affidavit of Heirship form and guidelines to assist you in completing the document.

You will need to confirm the requirements for legal description identification with the county clerk's office.

Please insure that you furnish the Name, Address, Social Security/Federal Tax Identification number, and date of birth for each heir.

You can access the National Association of Counties website to find the county clerk's address:

<http://www.naco.org>

Please forward a copy of the requested documents to XTO Energy via email:

Email [divorder@xtoenergy.com](mailto:divorder@xtoenergy.com) (scan and attach as a PDF)

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**PLEASE USE THE FOLLOWING GUIDELINES TO ENSURE THE AFFIDAVIT OF HEIRSHIP IS COMPLETED CORRECTLY:**

1. The Affidavit of Heirship CANNOT be filled out by any party who stands to benefit from the Estate. Please refer to your attorney, CPA, other family members, family friend or acquaintance to complete the Affidavit.
2. Once the Affidavit of Heirship is completed, choose a person who is familiar with the deceased's family or marital history AND who does not stand to inherit from the deceased. This person should read through the completed Affidavit and, if they agree that the information is correct, sign page 6 of the document before a Notary Public.
3. All signatures in the Affidavit MUST be notarized.
4. The Affidavit MUST be recorded in the county where the wells are located. Call the county clerk's office to inquire about the recording cost of the Affidavit. Remember to enclose your check with the Affidavit.
5. Make sure to include the appropriate legal description for recording if required by the state. Confirm with the county clerk's office the necessary requirements.
6. Keep copies of the Affidavits and legal documents for your records.
7. Send XTO Energy Inc. a copy of the recorded Affidavit including a legible recorder's stamp (along with other necessary documentation).
8. On a separate blank page, please list all heir with current addresses and Social Security/Tax Identification numbers, and birth dates (if available).

Note:

\*A recorded Affidavit is required if a Will is not being probated

\*A recoded Affidavit is required if there is no Will.

\*If the decedent died with a Will and it will be probated, an Affidavit of Heirship cannot be used to transfer interest. Please see the INSTRUCTIONS FOR CHANGE OF OWNERSHIP AFTER OWNER'S DEATH (PROBATED WILL).

If you have any further questions, please send an email to [divorder@xtoenergy.com](mailto:divorder@xtoenergy.com)

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-ABOVE THIS LINE FOR OFFICIAL USE ONLY

## **AFFIDAVIT OF HEIRSHIP**

**XTO ENERGY INC**

**For:** \_\_\_\_\_

**Legal Description:**

**County, State:**

\_\_\_\_\_, residing at

\_\_\_\_\_  
(Name of Affiant)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City)

\_\_\_\_\_  
(State)

being first duly sworn, on oath deposes and

says that I have personal knowledge of the facts stated in the affidavit and that the answers and other statements hereinafter set out are true and correct.

1. How long and how well were you acquainted with the decedent?

\_\_\_\_\_

2. If related to decedent, state in what way.

\_\_\_\_\_

3. When and where did decedent die?

\_\_\_\_\_

4. Where was decedent's permanent residence at the time of his/her death?

\_\_\_\_\_

5. How many times was decedent married? \_\_\_\_\_

6. Name and address of surviving spouse (if any). \_\_\_\_\_

residing at \_\_\_\_\_

7. If decedent was ever married, list in the following table each such marriage, indicating in each instance the date of marriage, the name of spouse, whether such marriage was terminated by death or divorce, the date of termination of the marriage, the address of each spouse now living, and (if dead) whether or not such spouse left a will:

Date of Marriage	Name of Spouse	Marriage Terminated by Death or Divorce	Date of Termination	Address if Living	If dead, did such spouse leave a Will

8. (a) To the best of my knowledge, decedent owned an interest in the real property described above. \_\_\_\_\_

(b) When was the property described at the beginning of the affidavit acquired by decedent? \_\_\_\_\_

(c) Was it acquired by gift, devise, inheritance or purchase? (State which) \_\_\_\_\_

(d) If by purchase give the following information:

1. Which state did decedent reside when property was acquired? \_\_\_\_\_

2. Was the decedent married when such property was acquired? \_\_\_\_\_

If so, give the name of decedent's husband or wife. \_\_\_\_\_

If such husband or wife is now deceased, did such party leave a Will? \_\_\_\_\_

9. Did Decedent leave a Will? \_\_\_\_\_ (a) If yes, was the Will probated? \_\_\_\_\_ **\*If the will was admitted to probate, please provide copies of all probate documents.**

(b) If the will has not been probated, does the executor or administrator intend to probate the Will? \_\_\_\_\_

10. If decedent did not leave a Will, was any administration had on decedent's estate? \_\_\_\_\_

If so, name the counties and states in which administration was had and give the name and address of the administrator.

\_\_\_\_\_

11. To your knowledge are there any debts or Federal estate or state inheritance taxes still owing by decedent's estate? \_\_\_\_\_

If so, will decedent's personal estate be sufficient, in your opinion, to pay such debts and taxes? \_\_\_\_\_

What is the estimated net value of the entire estate? \_\_\_\_\_

12. List in the following table the name of all children born to or adopted by decedent, whether living or dead, giving all other information called for in the table below. Any adopted children should be designated as such if decedent had no children, so state.

Name of Child	Name of Child's Other Parent	Birthdate	Address	Living or Dead	If Dead, Give Date of Death

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

Name of Deceased Child	Descendants	Birthdate	Address	Living or Dead	If Dead, Give Date of Death

Descendants of deceased child of decedent. If none, so state.

Name of Deceased Brother or Sister	Descendants	Birthdate	Address	Living or Dead	If Dead, Give Date of Death

14. If decedent left no surviving child or descendant of a child, then list names of decedent's parents and brothers and sisters and give information called for in the following tables. If half brother or sisters, state whether maternal or paternal.

	Name	Birthdate	Address	Living or Dead	If Dead, Give Date of Death
Father					
Mother					
Brother					
Brother					
Sister					
Sister					

Descendants of deceased brothers and sister. If none, so state.

Name of Deceased Brother or Sister	Descendants	Birthdate	Address	Living or Dead	If Dead, Give Date of Death

15. If decedent left no children or their descendants, or father or mother, or brothers or sisters or their descendants, then give the information called for in the following tables:

	Name	Birthdate	Address	Living or Dead	If Dead, Give Date of Death
Paternal Grandfather					
Paternal Grandmother					
Maternal Grandfather					
Maternal Grandmother					

Name	Uncle or Aunt	Birthdate	Paternal or Maternal	Address	Living or Dead	If Dead Give Date of Death

Name of Deceased Uncle or Aunt	Descendants	Age	Address	Living or Dead	If Dead Give Date of Death

\_\_\_\_\_  
Signature of Affiant

THE STATE OF \_\_\_\_\_ §  
COUNTY OF \_\_\_\_\_ §

The foregoing instrument was subscribed and sworn before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_, by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

My Commission Expires:  
Printed Name of Notary:



AFFIDAVIT CORROBORATING AFFIDAVIT OF HEIRSHIP

THE STATE OF \_\_\_\_\_ §  
COUNTY OF \_\_\_\_\_ §

\_\_\_\_\_, of lawful age, being first duly sworn, upon his or her oath states that the information given in the above and foregoing affidavit is true, to the personal knowledge of this affiant.

\_\_\_\_\_  
Signature of Corroborating Affiant

The foregoing instrument was subscribed and sworn before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_

My Commission Expires:  
Printed Name of Notary: