

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 should be filed of record in the County Clerk's office of any county(ies) in which a well(s) may be located.

IMPORTANT - When requesting that a Will be filed of record in a foreign county (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 is 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 form has been returned to you, we ask that a **copy** be forwarded to the Division Order Department for our files.
- 2. A second recorded **copy** of the Will should also be sent to the county appraisal district office for each county in which a well may be located in order to revise 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, we shall then need 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)**

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, then any assets must be distributed in accordance with the 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. Unlike a Will, it cannot be used in conjunction with any special gifts or bequests.
- (1) The heirship affidavit 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. When available, please include each individual's entire name, accurate dates of birth, death, divorce, etc. and a complete mailing address.

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 form 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, we ask that a **copy** be forwarded to the Division Order Department for our files.

[\(Download the Example Affidavit of Heirship forms, Heirship Information Page\)](#)

- C. If the deceased had a Will, but it was not probated, the Will may be included as an attachment to the heirship form and may also be submitted for recordation.
- (1) Once the form 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, we ask that a **copy** be forwarded to the Division Order Department for our files.
 - (2) 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 revise the tax roles to reflect the change of ownership.

[\(Download the County Clerk Information Sheet and the County Appraisal District Office listing\)](#)

AFFIDAVITS OF HEIRSHIP

Two (2) sample copies of an Affidavit of Heirship has been made available for you to use as a guide should this option be chosen in order to distribute the estate of the deceased. 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), 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 descendants 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.
2. 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.

AFFIDAVIT OF HEIRSHIP

FRANKIE MAE JONES

STATE OF _____
COUNTY OF _____

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BEFORE me, the undersigned authority, a Notary Public, in and for the State of **Texas**, on this day personally appeared **MILDRED JANE JOHNSON**, known to me to be a credible person above the age of twenty-one (21) years, who after having been first duly sworn deposes and says, to-wit:

My name is **Mildred Jane Johnson** and I am over twenty-one (21) years of age and in no way disqualified from making this affidavit. I currently reside at **2231 Ramsey Rd., Crosby, Harris County, Texas**. I am familiar with the facts concerning both the family and marital history of **Frankie Mae Jones**, deceased, having known the decedent since we became acquainted in **1957**. I can state the following:

Frankie Mae Jones was born on July 16, 1932 in New Braunfels, Texas and was one of four (4) children of **Orville C. Jones** and **Margaret Ellen Jones**. Orville C. Jones died on December 3, 1949 and Margaret Ellen Jones died on January 14, 1953. At the time of her death, Frankie Mae Jones resided at 9741 Hidden Cedar Dr., San Antonio, Bexar County, Texas.

Frankie Mae Jones was married two (2) times during her lifetime. The first marriage was to Ben Adams, who died in an automobile accident in 1952. No children were born from this marriage.

Frankie Mae Jones was married the second time in 1955, to James W. Jones, who is now deceased, having died on November 2, 1980. To this marriage were born three (3) children:

- (1) a son, Edward C. Jones, who was born in 1958 and died on November 23, 1990, in Dallas, Tarrant County, Texas. Edward C. Jones was never married during his lifetime and had no children, and,
- (2) a daughter, Sarah Jones, who was born in 1959 and died on September 3, 1959.
- (3) a daughter, Francie Jo Jones Cooper, who was born on June 20, 1960, and who died in Dayton, Liberty County, Texas on September 6, 2004. During her lifetime, Francie Jo Jones Cooper was married two times and only two times and both times to Darrel Wayne Cooper, who died on April 10, 2001, in Dayton, Liberty County, Texas. To this marriage was born one (1) child; as follows:
 - A. a son, whose name is Adam Dean Cooper, who lives on 5874 River Rock Rd., Highlands, Texas, and is married to Martha Louise Cooper.

I further state that the said **Frankie Mae Jones** departed this life on August 12, 2010, in San Antonio, Bexar County, Texas. No will was ever probated for Frankie Mae Jones in Bexar County, Texas. There was no administration on her Estate and none was necessary.

Further Affiant says not.

STATE OF **TEXAS**
COUNTY OF **HARRIS**

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Mildred Jane Johnson

Subscribed and sworn to before me this _____ day of March, 2011, by **Mildred Jane Johnson**.

Notary Public, State of Texas

EXAMPLE #2 – Use this form if the deceased had no surviving spouse, children or parents. All interests shall be divided equally among any siblings or their decedents

AFFIDAVIT OF HEIRSHIP

BESSIE MAE SMITH

STATE OF _____ §

COUNTY OF _____ §

BEFORE me, the undersigned authority, a Notary Public, in and for the State of **Texas**, on this day personally appeared **EDNA ELIZABETH ANDERSON**, known to me to be a credible person above the age of twenty-one (21) years, who after having been first duly sworn deposes and says, to-wit:

My name is **Edna Elizabeth Anderson** and I am over twenty-one (21) years of age and in no way disqualified from making this affidavit. I currently reside at **2231 Ramsey Rd., Crosby, Harris County, Texas**. I am familiar with the facts concerning the family and marital history of **Bessie Mae Smith**, deceased, having known the decedent during my entire lifetime. I can state the following:

Bessie Mae Smith was born on July 16, 1932 in New Braunfels, Texas and was one of six (6) children of **Oliver D. Smith** and **Maria Ellen Smith**. Oliver D. Smith died on December 3, 1949 and Maria Ellen Smith died on January 14, 1953. At the time of her death, Bessie Mae Smith resided at 6897 Creekbend Dr., Apt #209, San Antonio, Bexar County, Texas. **Bessie Mae Smith** never married during her lifetime and no children were ever born unto Bessie Mae Smith and none were adopted.

Bessie Mae Smith was the fourth (4th) child of her parents, Oliver D. and Maria Ellen Smith and her siblings are listed as follows:

- (1) a brother, Earl D. Smith, who was born in 1957 and died on November 23, 1989, in San Angelo, Tom Green County Texas. Earl D. Smith was never married during his lifetime and had no children, and,
- (2) a brother, James W. Smith, who was born in May, 1958 and died on January 3, 1959.
- (3) a sister, Louise Charlene Smith Poff, who was born on June 20, 1960, and who died in Crosby, Harris County, Texas on September 6, 2004. During her lifetime, Louise Carter Poff was married two times and only two times, and both times to James Edward Poff, who died on April 10, 2001, in San Antonio, Bexar County, Texas. To this marriage were born two (2) children; as follows:
 - A. a son, whose name is Adam Dean Poff, who lives on 5874 River Rock Rd., Highlands, Texas, and is married to Martha Jane Poff.
 - B. a daughter, whose name is Alana Diane Poff Wilkerson, who lives on 1212 Happy Harbor, Galveston, Texas, and is married to Brandon Wilkerson
- (4) a sister, whose name is Cynthia Louise Smith Williams, who was born on July 4, 1961, and who lives on 2231 Ramsey, Crosby, Texas, and is married to Donald C. Williams,

- (5) a brother, whose name is Raymond J. Smith, who was born on August 27, 1962, and who lives on 7542 Ashton Way, Philadelphia, Pennsylvania, and has been married two (2) times. The first marriage was to Brenda K. Anderson in 1983, but ended in divorce on July 15, 1984. No children were ever born or adopted. In February 1985, Raymond J. Smith married Ann Walker Smith and to this marriage were born two (2) children, as follows:
- A. a son, whose name is Markus James Smith, a minor
 - B. a daughter, whose name is Jennifer Jo Smith, a minor
- (6) a brother, whose name is Kelly John Smith, who was born on March 14, 1963, and who lives at 1012 Redman Place, Fredericksburg, Texas. Kelly John Smith has never married and has no children.

I further state that the said **Bessie Mae Smith** departed this life on August 12, 2010, in San Antonio, Bexar County, Texas. No will was ever probated for Bessie Mae Carter in Bexar County, Texas. There was no administration on her Estate and none was necessary.

Further Affiant says not.

Edna Elizabeth Anderson

STATE OF **TEXAS** §

COUNTY OF **HARRIS** §

Subscribed and sworn to before me this ____ day of March, 2011, by **Edna Elizabeth Anderson.**

Notary Public, State of Texas