



Using a Affidavit of Heirship to Avoid Probate

Michigan Land Title Standards (7.1, 7.2, 7.3) give the real property interest of a decedent to their heirs at law. For this to be insurable, title underwriting guidelines mandate that **the attached form must be completed by a disinterested third party.**

Will this work for my transaction?

This is only effective under the following circumstances:

- A. All heirs are 18 or older
- B. All heirs are in full cooperation and agreement as to the terms of the sale and division of proceeds
- C. All heirs have the capacity to sign legal documents

What is a disinterested third party?

Someone who doesn't have a vested interest in the sale of the property or the disbursement of proceeds. We recommend using a friend of the family or a neighbor to execute the affidavit.

Who will sign closing documents and receive proceeds?

All heirs receive an equal interest in the property. All heirs sign closing documents and receive equals proceeds. This can be modified under the following circumstances:

- A. Any heir may forfeit their interest by executing a quit claim deed (Premier can provide).
- B. Any heir may give Power of Attorney to another heir or a third party for the execution of documents.
- C. Proceeds may split unequally, all heirs will be required to consent the division of proceeds.

What do I need to provide to the Title Company?

1. Have the disinterested third party complete and execute the attached form in the presence of a notary public.
2. Provide the original completed Affidavit of Heirship to the title company with a original death certificate,

AFFIDAVIT OF HEIRSHIP

I, _____ hereinafter referred to as Affiant, being first duly sworn, makes oath as follows:

1. That Affiant personally knew _____ (**death certificate recorded concurrently**) herein "Decedent", for over _____ years, and has personal knowledge of the family of the Decedents.

2. Please check one of the following:

The Decedent **was not** not married at the time of death.

The Decedent **was married** at time of death. Spouse's name: _____

3. The attached Exhibit "B" represents all of the children of the Decedent living deceased, natural born, or adopted.

4. These are the only children and only know heirs of the Decedent. No children other than those named in this affidavit of heirship were (1) born to Deceased while married or outside of marriage, (2) adopted by Deceased, or (3) taken into the home of Deceased with the understanding of adoption.

4. Decedent had an interest in the real property described as:

SEE ATTACHED EXHIBIT "A"

I affirm and declare under penalty of perjury that the facts I state in this Affidavit are true, correct and complete to the best of my ability, belief and knowledge.

FURTHER THE AFFIANT SAITH NOT.

State of _____)
SS)

County of _____)

On this _____ day of _____, 20____, before me personally appeared

_____ to me known to be the persons described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Notary Public:

County _____

Acting in _____ County

My commission expires _____

Drafted by and Return to _____, C/O Premier Title 15501 Metropolitan Parkway STE 106, Clinton Township, MI 48036

EXHIBIT “B”

The following persons are all of children of the Decedent living deceased, natural born or **adopted, living or deceased**:

	Name	Deceased	Minor
a.		Yes / No	Yes / No
b.		Yes / No	Yes / No
c.		Yes / No	Yes / No
d.		Yes / No	Yes / No
e.		Yes / No	Yes / No
f.		Yes / No	Yes / No
g.		Yes / No	Yes / No
h.		Yes / No	Yes / No
i.		Yes / No	Yes / No
j.		Yes / No	Yes / No