



## Using an Affidavit of Heirship

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. Please Note- After reviewing the completed form, more requirements and/or documentation may be required.**

### Will this work for my transaction?

This is only effective under the following circumstances:

- A. All heirs are living, legally competent, and at least 18 years of age.
- B. All heirs are in full cooperation and agreement as to the terms of the sale and division of proceeds. If NO- contact your Escrow officer immediately
- C. All heirs have the capacity to sign legal documents (Can't be under a Guardianship or Conservatorship)
- D. Who is an heir? Spouse, children over 18 years old (natural or adopted), parents, siblings, grandchildren, or other blood relatives

### 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. Not to be completed by the real estate agent.

### Who will sign closing documents and receive proceeds?

All heirs receive an equal interest in the property. All heirs sign closing documents and receive equal 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 grant Power of Attorney to another heir or a third party for the execution of documents.
- C. Proceeds may be split unequally, all heirs will be required to consent to 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. Recommend Notarizing at a Kee office.
2. Provide the original completed Affidavit of Heirship to the title company with an original death certificate, and additional documents, if needed. For example- Quit claim deeds, Power of attorney



**EXHIBIT “B”**

The following persons are all of children of the Decedent living deceased, natural born or **adopted, living or deceased. If no children- please add name(s) of other heir(s)- Spouse, Parents, Siblings or other blood relative(s)**

	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

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