Affidavit of Heirs

When an individual dies without a will (intestate), the Court must make a determination of who the decedent's surviving heirs are for purposes of distributing the state assets. In order to do that, an Affidavit of Heirs must be filed.

An Affidavit of Heirs is a sworn document that lists **ALL RELATIVES OF THE DECEDENT. This includes blood relatives and legally adopted relatives** regardless of whether or not they survived the decedent. In this document, you must list all relatives, including yourself. If the relative was deceased at the time of the decedent's death, please provide the deceased relative's name, indicate that they are deceased, and their date of death. Answering with not applicable or any other such designation is inappropriate for this document. You must be clear with responses to all categories; if there is no person in the respective category ((i.e., the decedent was an only child, and therefore had no sibling(s)), please indicate "None." When appropriate, you must indicate if the relationship is that of a half-relative (i.e., half-brother or half-sister).

Important note: just because a person is listed in the Affidavit of Heirs, it does not mean they will be entitled to receive any share of the decedent's estate. By completing this form, you are essentially providing the Court with a family tree of the decedent to assist the judge in determining who gets what assets.

A sample Affidavit of Heirs is provided in the subsequent links on this webpage.