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# SELLING REAL ESTATE WITHOUT A WILL

**SELLING OUT OF AN ESTATE IS COMPLICATED AND EACH CLOSING IS HANDLED DIFFERENTLY. HOWEVER, THERE ARE SOME GUIDING PRINCIPLES THAT CAN ASSIST YOU AND YOUR CLIENT IN SITUATIONS WHERE THERE IS NO WILL. AN AFFIDAVIT OF HEIRSHIP (“AOH”) MAY BE AN OPTION, WHICH IS A SHORTER PROCESS.**



An AOH is used to identify the heirs to real property when someone died without a will (or a will that was not probated properly) and is filed and recorded with the deed records.

The AOH is not a transfer of property, rather, it shows evidence of who has the rights to sell. We send out a questionnaire to your client that will provide us with the information required to prepare the AOH.

If the AOH is not available, the estate may need to be probated. We need to determine who the appropriate heirs are to the deceased’s interest in the property. The court will determine the nature and character of the property, as well as the heirs.

## HELPFUL HINTS

- + OPEN TITLE AS SOON AS POSSIBLE.
- + ENSURE THAT THE BUYER’S AGENT KNOWS THAT THE PROPERTY IS AN ESTATE.
- + TWO DISINTERESTED PARTIES WILL HAVE TO ATTEST TO THE FACTS PROVIDED IN THE AOH QUESTIONNAIRE.