

By: West, et al.  
(Anchía, Lujan, Button, Longoria)

S.B. No. 648

Substitute the following for S.B. No. 648:

By: Button

C.S.S.B. No. 648

A BILL TO BE ENTITLED

AN ACT

relating to recording requirements for certain instruments concerning real property.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 203.002, Estates Code, is amended to read as follows:

Sec. 203.002. FORM OF AFFIDAVIT CONCERNING IDENTITY OF HEIRS. An affidavit of facts concerning the identity of a decedent's heirs may be in substantially the following form:

AFFIDAVIT OF FACTS CONCERNING THE IDENTITY OF HEIRS

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_ ("Affiant") (insert name of affiant) who, being first duly sworn, upon his/her oath states:

1. My name is \_\_\_\_\_ (insert name of affiant), and I live at \_\_\_\_\_ (insert address of affiant's residence). I am personally familiar with the family and marital history of \_\_\_\_\_ ("Decedent") (insert name of decedent), and I have personal knowledge of the facts stated in this affidavit.

2. I knew decedent from \_\_\_\_\_ (insert date) until \_\_\_\_\_ (insert date). Decedent died on \_\_\_\_\_ (insert date of death). Decedent's place of death was \_\_\_\_\_ (insert place of death). At the time of decedent's death, decedent's residence was \_\_\_\_\_ (insert address of decedent's residence).

3. Decedent's marital history was as follows: \_\_\_\_\_

1 (insert marital history and, if decedent's spouse is deceased,  
2 insert date and place of spouse's death).

3 4. Decedent had the following children: \_\_\_\_\_ (insert  
4 name, birth date, name of other parent, and current address of child  
5 or date of death of child and descendants of deceased child, as  
6 applicable, for each child).

7 5. Decedent did not have or adopt any other children and did  
8 not take any other children into decedent's home or raise any other  
9 children, except: \_\_\_\_\_ (insert name of child or names of  
10 children, or state "none").

11 6. (Include if decedent was not survived by descendants.)  
12 Decedent's mother was: \_\_\_\_\_ (insert name, birth date, and  
13 current address or date of death of mother, as applicable).

14 7. (Include if decedent was not survived by descendants.)  
15 Decedent's father was: \_\_\_\_\_ (insert name, birth date, and  
16 current address or date of death of father, as applicable).

17 8. (Include if decedent was not survived by descendants or  
18 by both mother and father.) Decedent had the following siblings:  
19 \_\_\_\_\_ (insert name, birth date, and current address or date of  
20 death of each sibling and parents of each sibling and descendants of  
21 each deceased sibling, as applicable, or state "none").

22 9. (Optional.) The following persons have knowledge  
23 regarding the decedent, the identity of decedent's children, if  
24 any, parents, or siblings, if any: \_\_\_\_\_ (insert names of  
25 persons with knowledge, or state "none").

26 10. Decedent died without leaving a written will. (Modify  
27 statement if decedent left a written will.)



1 (Seal, if any, of notary) \_\_\_\_\_

2 (printed name)

3 My commission expires: \_\_\_\_\_

4 [OPTION 2 (for purposes of Section 12.001(b-1), Property  
5 Code)]

6 Signed this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

7 \_\_\_\_\_  
8 (signature of affiant)

9 State of \_\_\_\_\_

10 County of \_\_\_\_\_

11 Sworn to and subscribed to before me on \_\_\_\_\_  
12 (date) by \_\_\_\_\_ (insert name of affiant).

13 \_\_\_\_\_  
14 (signature of notarial officer)

15 (Seal, if any, of notary) \_\_\_\_\_

16 (printed name)

17 My commission expires: \_\_\_\_\_

18 STATEMENT OF FIRST WITNESS

19 I am not entitled to any portion of the Decedent's estate and  
20 I have no claim against any portion of the Decedent's estate.

21 Signature: \_\_\_\_\_

22 Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

23 Address: \_\_\_\_\_

24 STATEMENT OF SECOND WITNESS

25 I am not entitled to any portion of the Decedent's estate and

1 I have no claim against any portion of the Decedent's estate.

2 Signature: \_\_\_\_\_

3 Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

4 Address: \_\_\_\_\_

5 State of \_\_\_\_\_

6 County of \_\_\_\_\_

7 This instrument was acknowledged before me on \_\_\_\_\_

8 (date) by \_\_\_\_\_ (insert name of witnesses).

9 \_\_\_\_\_

10 (signature of notarial officer)

11 (Seal, if any, of notary) \_\_\_\_\_

12 (printed name)

13 My commission expires: \_\_\_\_\_

14 STATEMENT OF HEIR

15 I am an heir to real property of \_\_\_\_\_ ("Decedent")

16 (insert name of decedent).

17 Signature: \_\_\_\_\_

18 Print Name: \_\_\_\_\_ Date: \_\_\_\_\_

19 Address: \_\_\_\_\_

20 State of \_\_\_\_\_

21 County of \_\_\_\_\_

22 This instrument was acknowledged before me on \_\_\_\_\_

23 (date) by \_\_\_\_\_ (insert name of heir).

24 \_\_\_\_\_

25 (signature of notarial officer)

1 (Seal, if any, of notary) \_\_\_\_\_

2 (printed name)

3 My commission expires: \_\_\_\_\_

4 SECTION 2. Section 12.001, Property Code, is amended by  
5 amending Subsection (b) and adding Subsection (b-1) to read as  
6 follows:

7 (b) An instrument conveying real property may not be  
8 recorded unless:

9 (1) if the instrument is filed for recording by an  
10 attorney, title agent, title company, or escrow company that  
11 provides closing, settlement, or other comparable transaction  
12 services in connection with the transfer of real property, a public  
13 utility, a governmental entity, or a person acting on behalf of the  
14 attorney, agent, company, utility, or entity, the instrument ~~is~~  
15 is signed by the grantor and:

16 (A) ~~and~~ acknowledged or sworn to by the grantor  
17 in the presence of two or more credible subscribing witnesses; or

18 (B) acknowledged or sworn to by the grantor  
19 before and certified by an officer authorized to take  
20 acknowledgements or oaths, as applicable; and

21 (2) if the instrument is filed for recording by an  
22 individual other than a person described by Subdivision (1), the  
23 instrument is:

24 (A) signed by the grantor;

25 (B) acknowledged or sworn to by the grantor in  
26 the presence of two or more credible subscribing witnesses; and

27 (C) acknowledged or sworn to by the grantor and

1 each subscribing witness before and certified by an officer  
2 authorized to take acknowledgements or oaths, as applicable.

3 (b-1) An affidavit of heirship concerning heirship to real  
4 property that is filed for recording by a person described by  
5 Subsection (b)(2) may not be recorded unless it is:

6 (1) signed by the individual making the affidavit;

7 (2) acknowledged or sworn to by the individual making  
8 the affidavit in the presence of two credible subscribing  
9 witnesses;

10 (3) acknowledged or sworn to by the individual making  
11 the affidavit and each subscribing witness before and certified by  
12 an officer authorized to take acknowledgements or oaths, as  
13 applicable; and

14 (4) acknowledged or sworn to by each living heir to  
15 real property named in the affidavit that is not under a legal  
16 disability before and certified by an officer authorized to take  
17 acknowledgements or oaths, as applicable.

18 SECTION 3. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2025.