

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 11. There has been no administration of decedent's estate.
2 (Modify statement if there has been administration of decedent's
3 estate.)

4 12. Decedent left no debts that are unpaid, except:
5 _____ (insert list of debts, or state "none").

6 13. There are no unpaid estate or inheritance taxes, except:
7 _____ (insert list of unpaid taxes, or state "none").

8 14. To the best of my knowledge, decedent owned an interest
9 in the following real property: _____ (insert list of real
10 property in which decedent owned an interest, or state "none").

11 15. (Optional.) The following were the heirs of decedent:
12 _____ (insert names of heirs).

13 16. (Insert additional information as appropriate, such as
14 size of the decedent's estate.)

15 [OPTION 1]

16 Signed this ____ day of _____, ____.

17 _____
18 (signature of affiant)

19 State of _____
20 County of _____

21 Sworn to and subscribed to before me on _____
22 (date) by _____ (insert name of affiant).

23 _____
24 (signature of notarial officer)

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)

(Seal, if any, of notary) _____

(printed name)

My commission expires: _____

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

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

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

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

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

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

(A) signed by the grantor;

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

(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.