

# AFFIDAVIT OF HEIRSHIP

- with Will annex -

STATE OF TEXAS

COUNTY OF HIDALGO

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BEFORE ME, the undersigned authority, on this day personally appeared **Don D. Penick and Debbie Penick**, known to me to be the persons whose names are subscribed hereto, and who, after first being duly sworn, upon their oath, depose and state:

That they are intimately and personally acquainted with the personal and family history of **Sally Annette Hamlin**, now deceased, they both being personal friends of the deceased for over ten (10) years.

That **Sally Annette Hamlin** was born December 10, 1952, in Raymondville, Texas, and died testate on June 24, 2017, in Llano, County, Texas. That the Last Will and Testament of the deceased has not been probated and further that same will not be offered for probate in that the devisees thereunder, as evidenced by their signatures below, have elected not to take under the terms of the will, renouncing the legacies and devises thereunder so that the property and estate of the said **Sally Annette Hamlin**, deceased shall pass according to the Laws of Decent and Distribution as established by the State of Texas.

That the said **Sally Annette Hamlin**, was married at one time and one time only, that being to **Rodney Elvis Hamlin**, on May 22, 1976, in McAllen, Texas. That to the marriage there were born two (2) children, namely:

**Amanda Hamlin Walk**, a female, who was born April 3, 1979, in McAllen, Texas, who currently resides at 6327 Brook Lake Drive, Dallas, Dallas County, Texas 75248.

**Matthew Taylor Hamlin**, a male, born October 26, 1983, who currently resides at 701 Xanthisma, McAllen, Hidalgo Count, Texas.

That, no other children were ever born to the said marriage of Sally Annette Hamlin and Rodney Elvis Hamlin, and none were ever taken into their home for the purposes of adoption.

That, the affiants herein have been advised and are aware of the fact that the said **Sally Annette Hamlin**, deceased and her husband, Rodney Elvis Hamlin were the record owners of that certain real property located at 1200 Lark Avenue, McAllen, Hidalgo County, Texas, by virtue of that certain Warranty Deed from Norberto Mulinari, Alejandra Mulinari and Ruben Pechero, dated July 30, 1982, filed August 16, 1982, and recorded in Volume 1796, Page 534 of the Deed Records of Hidalgo County, Texas; same being legally described as follows:

**THE WEST 89 FEET OF LOT 9, AND THE EAST 13 FEET OF LOT 10, SMITH VILLAGE SUBDIVISION, UNIT NO. 1, AN ADDITION TO THE CITY OF MCALLEN, HIDALGO COUNTY, TEXAS, AS PER MAP OR PLAT THEREOF RECORDED IN VOLUME 17, PAGE 49, MAP RECORDS, HIDALGO COUNTY, TEXAS.**

That, all debts relative to the estate of Sally Annette Hamlin, deceased, including debts incurred in connection with his last illness, all funeral and burial expenses have been fully paid and there exists no necessity for nor has any administration been petitioned for or planned relative to the said estate. That there are no Federal and/or State Inheritance Tax due from the estate.

Further, that said affiants are aware that this Affidavit is being executed to establish that **Rodney Elvis Hamlin** is the sole heir(s)-at-law of the estate of the said **Sally Annette Hamlin** pursuant to the provisions of § \_\_\_\_\_ of the Texas Estates Code.

That, affiants herein are aware that his Affidavit is being executed for the purposes of clearing any defects or clouds on title relative to the afore referenced real property, and, that by the recording of this document with the County Clerk of Hidalgo County, Texas, others will rely on their representations herein for the purposes intended, and that the facts herein are true and correct for said purposes.

I agree that any third party who receives a copy of this document may act under it. I further agree to indemnify and hold harmless any third party for any cause of action or claims, including reasonable attorney fees and costs, which arise against the third party by virtue of reliance on this document.

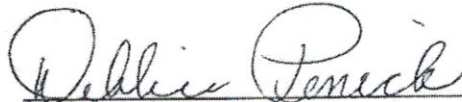
Further, that said affiants are aware of the penalties for perjury under Federal Law, which includes the execution of a false affidavit, pursuant to 18 U.S.C.S. Section 1621 wherein it is provided that anyone found guilty under this title may be subject to fine(s) or imprisoned more than 5 years, or both. I am also aware that perjury in the execution of a false affidavit is also a criminal act pursuant to Section 37.02 of the Texas Penal Code. Finally, I am aware that under Section 32.46 of the Texas Penal Code, a person commits an offense if, with intent to defraud or harm any person, he, by deception, causes another to sign or execute any document affecting property or service or the pecuniary interest of any person, and that an offense under such Section is (i) a felony of the third degree if the value of the property, service, or pecuniary interest is \$20,000.00 or more, but less than \$100,000.00, which is punishable by a fine of \$10,000.00 and confinement in the Texas Department of Corrections for a term of not more than 10 years or less than 2 years; (ii) a felony of second degree if the value of the property, service, or pecuniary interest is \$100,000.00 or more, but less than \$200,000.00, which is punishable by a fine of \$10,000.00 and confinement in the Texas Department of Corrections for a term of not more than 20 years or less than 2 years, or; (iii) a felony of the first degree if the value of the property, service, or pecuniary interest is in excess of \$200,000.00, which is punishable by a fine of not to exceed \$10,000.00 and confinement in the Texas Department of Corrections for a term of not more than 99 years or less than 5 years.

Further Affiant saith not"

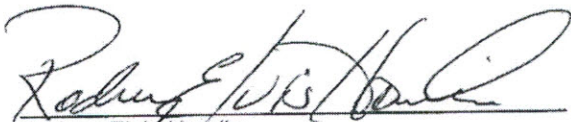
EXECUTED on this 30<sup>th</sup> day of June, 2017.



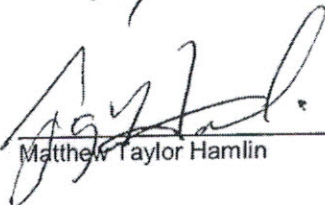
Don D. Penick



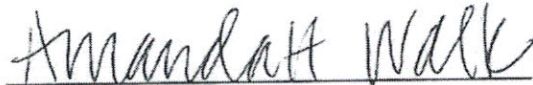
Debbie Penick



Rodney Elvis Hamlin



Matthew Taylor Hamlin



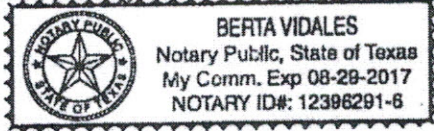
Amanda Hamlin Walk

STATE OF TEXAS

COUNTY OF HIDALGO

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SUBSCRIBED AND SWORN TO BEFORE ME, this 30th day of June, 2017 by Don D. Penick, Debbie Penick, Rodney Elvis Hamlin, Matthew Taylor Hamlin and Amanda Hamlin Walk.



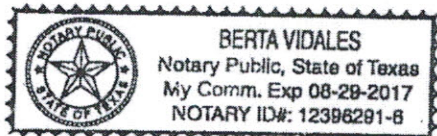
Berta Vdales  
NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS

COUNTY OF HIDALGO

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This instrument was acknowledged before me on this 30th day of June, 2017, by Don D. Penick.



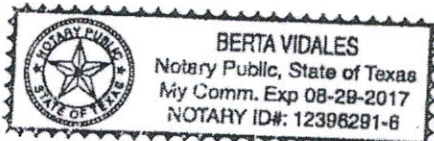
Berta Vdales  
NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS

COUNTY OF HIDALGO

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This instrument was acknowledged before me on this 30th day of June, 2017, by Debbie Penick.



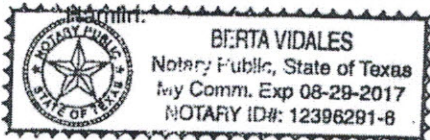
Berta Vdales  
NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS

COUNTY OF Hidalgo

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This instrument was acknowledged before me on this 30th day of June, 2017, by Rodney Elvis



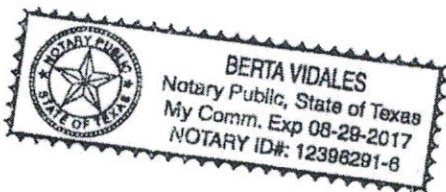
Berta Vdales  
NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS

COUNTY OF HIDALGO

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This instrument was acknowledged before me on this 30<sup>th</sup> day of June, 2017, by Matthew Taylor Hamlin.



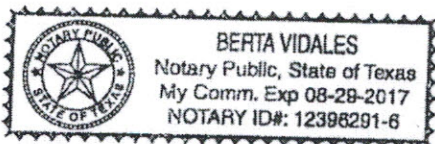
Berta Vdales  
NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS

COUNTY OF HIDALGO

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This instrument was acknowledged before me on this 30<sup>th</sup> day of June, 2017, by Amanda Hamlin Walk.



Berta Vdales  
NOTARY PUBLIC, STATE OF TEXAS