



FILLING OUT YOUR T-47 SURVEY AFFIDAVIT

“Per the TREC One to Four Family Residential Contract, Paragraph 6, Section C, Subheading 1 – If a seller chooses to use an existing survey they must also provide a completed T-47 Affidavit.”

WHAT.WHO.WHEN.HOW?

The T-47 Residential Real Property Affidavit (also known simply as the T-47) is a notarized form that complements a survey in a real estate transaction. It is used when both parties to the transaction want to use an existing survey from when the seller bought the home and is used to attest the correctness of the survey from the seller's point of view. As a seller, you'll need to fill out this form correctly and fully and give it to your real estate agent for their files.

.01

The first section of the T-47 Residential Real Property Affidavit form is for basic information: date, name, address, legal description of the property, and what county it is in. There is also a blank where the notary needs to fill in what state they are a notary in (we see this missed quite often).

.02-.03

By signing this form, you are affirming these two statements – first, that you are familiar with the property (and improvements) and second, that you are involved in a transaction with that property and that transaction involves area and boundary coverage in the title policy. Section 3 also goes on to further clarify exceptions and amendments to area and boundary coverage in the title policy.

.04

In Section 4 there are two important details that need to be filled in. The first blank requires a date. This date must match the date of the survey that is being used. The sellers, by using this form and the old survey, are affirming that to their knowledge, none of the items listed (a. through d.) have occurred. This includes knowledge that the (now) sellers would have obtained from the (former) sellers of the home when they bought it.

This section states that no changes have been made (and gives specifics) to the property that would affect the survey and the boundaries set forth in it. If changes have been made, the last line allows you to state exactly what has been changed.

.05-.06

More statements that you are affirming by signing this document in Section 5 and 6. The first, is acknowledging that the title company will rely on the statements contained on this form to be truthful and will compare it to the items on the survey. It also states it does not warranty or guarantee the location of the improvements to the property. The second, states that the seller understands that they have no liability to the title company if the information is incorrect unless they have failed to disclose something.

**T-47 RESIDENTIAL REAL PROPERTY AFFIDAVIT
(MAY BE MODIFIED AS APPROPRIATE FOR COMMERCIAL TRANSACTIONS)**

Date: _____ GF No. _____

Name of Affiant(s): _____

Address of Affiant: _____

Description of Property: _____

County _____, Texas

"Title Company" as used herein is the Title Insurance Company whose policy of title insurance is issued in reliance upon the statements contained herein.

Before me, the undersigned notary for the State of _____, personally appeared Affiant(s) who after being sworn, stated:

1. We are the owners of the Property. (Or state other basis for knowledge by Affiant(s) of the Property, such as lease, management, neighbor, etc. For example, "Affiant is the manager of the Property for the record title owners.")
2. We are familiar with the property and the improvements located on the Property.
3. We are closing a transaction requiring title insurance and the proposed insured owner or lender has requested area and boundary coverage in the title insurance policy(ies) to be issued in this transaction. We understand that the Title Company may make exceptions to the coverage of the title insurance as Title Company may deem appropriate. We understand that the owner of the property, if the current transaction is a sale, may request a similar amendment to the area and boundary coverage in the Owner's Policy of Title Insurance upon payment of the promulgated premium.
4. To the best of our actual knowledge and belief, since _____ there have been no:
 - a. construction projects such as new structures, additional buildings, rooms, garages, swimming pools or other permanent improvements or fixtures;
 - b. changes in the location of boundary fences or boundary walls;
 - c. construction projects on immediately adjoining property(ies) which encroach on the Property;
 - d. conveyances, replattings, easement grants and/or easement dedications (such as a utility line) by any party affecting the Property.

EXCEPT for the following (if None, Insert "None" Below)

5. We understand that Title Company is relying on the truthfulness of the statements made in this affidavit to provide the area and boundary coverage and upon the evidence of the existing real property survey of the Property. This Affidavit is not made for the benefit of any other parties and this Affidavit does not constitute a warranty or guarantee of the location of improvements.
6. We understand that we have no liability to Title Company that will issue the policy(ies) should the information in this Affidavit be incorrect other than information that we personally know to be incorrect and which we do not disclose to the Title Company.

SWORN AND SUBSCRIBED this _____ day of _____, _____

Notary Public

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Notary Public

NOTARY!

Wrapping up the form is the section for the notary. You'll need to take this form to a notary and sign it in their presence. Once notarized, the T-47 should be delivered along with the survey within the time allowed in the contract.