

Filling Out Your T-47 Survey Affidavit



What is a T-47?

The T-47 is a Residential Real Property Affidavit. It's a notarized document that tells the buyer what the seller knows about the home's boundaries.

Who needs the T-47?

The buyer needs this affidavit, and it is used by their lender and title company to figure out whether they are going to accept the survey the seller has provided, or if they require a new one.

Typically, a seller might want to say, "I've changed no fences and added no extensions to my home, please use the same survey that I got when I bought the home for title insurance purposes". The T-47 is a sworn statement to that effect.

Or a seller might use the T-47 to swear, "I added a slab for a new shed in my yard since the last survey was performed. Please consider re-using the old survey again." (in this case, the lender and title company require a new survey.) Sometimes there are grey areas, and it's up to the discretion of the lender and title company, for example if you use the T-47 to swear, "I replaced my fence on the existing fence line since I bought the home" or "I moved the fence two feet toward my house since the existing survey was performed".

How should the seller complete a T-47?

First, get a copy of the survey from when the home was purchased. If you don't have one, they might be able to get in touch with the title company at which they closed escrow on the purchase of the home and ask them for a copy.

Ask your agent for the Legal Description

If you can't find a survey, don't worry with the T-47.

Some of the fields are easy – date, name, address. The Affiant in question is you the seller. If you are married or own the home in common with someone, only one of you needs to fill their name in and sign in front of a notary. You can leave GF number blank – this is a file number for use by the title company at which you sell your home.

T-47 RESIDENTIAL REAL PROPERTY AFFIDAVIT

(May be Modified as Appropriate for Commercial Transactions)

Date: _____ GF No. *Title Company to Complete*

Name of Affiant: *Your Information*

Address of Affiant: _____

Description of Property: *Legal Description*

County _____, Texas

The description of the property is the legal description. It should be recorded on the survey you have. If not, you can look it up in tax records or ask your realtor to tell you. In a regular subdivided home, it will be something with a format like "Lot 1, Block A, Shaddock Creek Estates Subdivision".

Section 4

This allows you to write the date that you bought the home (or the date of the survey if the survey was more recent). Then you have to put a list of things that you have changed that might affect the accuracy of the existing survey. If nothing has changed to impact the boundaries, make sure to write in "None" at the end of Section 4. Don't forget to right "None" if nothing has changed.

4. To the best of our actual knowledge and belief, since ____ (Date the home was purchased) 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":) Add what changed or "None". Don't forget to write "None" if nothing has changed.

Take the T-47 to a notary to sign it and have the affidavit notarized. You can find notaries in banks, in offices, at title companies, and law offices for example.

When should the seller fill in the T-47?

The affidavit is part of the Texas promulgated home purchase contract, and has conditions attached to it. Complete the form before listing the home for sale – before you even receive a contract. That way you avoid missing a contractual deadline to provide the survey and the related affidavit.

Why should the seller fill in a T-47?

In short – to possibly save someone \$500.

The person who buys a home will most often require title insurance – a commitment that they are buying what they think they're buying, and that the seller has the right to sell it, and that it can be represented by boundaries drawn on a piece of paper called a survey.

A survey on the average home in Texas might cost from between \$350 and \$550. By providing a T-47, you might be saving someone from buying a new survey. Depending on how you negotiate, either the seller or the buyer may need to buy a new survey, and someone definitely will if the seller does not fill in the T-47.

Where can I get a T-47?

You can get one from your title company, the Texas Department of Insurance or your agent can provide you with the Texas Association of Realtors version of the form, like this TAR 1907 Residential Real Property Affidavit sample.