

PROPERTY FRAUD INFORMATION PACKET

Property Fraud Guidelines

If you believe you are a victim of property fraud. Use these guidelines to comply with the requirements in Texas Government Code 51.9035.

This process is effective December 2025.

1. Complete the **Owner's Affidavit Regarding Purported Conveyance** and submit to the county clerk's office for recording. You are required to attach the "purported fraudulent document used to convey title".
2. You are required to mail (certified mail) to the person who claims to own the property, a copy of the Owner's Affidavit and the purported fraudulent deed. (*The Certified Mail Receipt will be your proof of mailing.*)
3. Complete the **Certificate of Mailing of Owner's Affidavit Regarding Purported Conveyance** along with proof of mailing the Owner's Affidavit, then submit it to the county clerk's office for recording.

[Note: There is no fees required to record these documents.]

4. After 120 days since the recording of the Certificate of Mailing, ... you should then file with the district clerk's office the **Petition for Judicial Review of Document or Instrument Purporting to Convey Title to or an Interest in Real Property along with the Judicial Findings of Fact and Conclusion of Law**. The Petition will be placed on the district courts miscellaneous docket for a hearing. [Address for the district clerk:
_____.]
5. Once the judge has ruled on the petition, the judge will complete the **Judicial Findings and Conclusion of Law**. You should request from the district clerk's office, a "Certified Copy" of the Judicial Findings of Fact and Conclusion of Law and record it with the county clerk's office.
[Address for the county clerk: _____.]

[Note: There is no fee required to file with the district clerk (Gov't Code 51.9035 (2)(e)) and no fee to record with the county clerk. Gov't Code 51.9035 (2)(g)]

OWNER'S AFFIDAVIT REGARDING PURPORTED CONVEYANCE

(1) My/our name is/are _____ . I/we own the following described real property ("Property") below: (*legal description*)

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(2) This affidavit is made for the purpose of establishing a presumption under Section [51.901](#)(c)(4), Government Code, that the document or instrument purporting to convey title to or an interest in the Property recorded in _____ (refer to recording information of the conveyance: Instrument Number) ("Purported Conveyance") is fraudulent and obtaining a district court's finding of fact and conclusion of law under Section [51.9035](#), Government Code, that the document or instrument does not convey title to or an interest in the Property.

(3) Affiant(s) have not conveyed title to or an interest in the Property to any grantee other than (list any interests granted).

Signed on this _____ day of _____, _____.

(Signature of Affiant(s))

(Signature of Affiant(s))

State of Texas

County of _____

SWORN TO AND SUBSCRIBED before me on the _____ day of _____, 20____.

My commission expires:

Notary Public, State of Texas

Notary's printed name:

CERTIFICATE OF MAILING OF OWNER'S AFFIDAVIT REGARDING PURPORTED CONVEYANCE

Before me, the undersigned authority, on this day personally appeared ("Affiants Name") who, being first duly sworn, upon oath state(s): _____

(1) My name is/Our names are _____.

(2) On the ____ day of _____, 20____, Affiant(s) caused an Owner's Affidavit Regarding Purported Conveyance to be recorded in (refer to affidavit recording information: i.e., Instrument Number): _____.

(3) On the ____ day of _____, 20____, Affiant(s) sent a letter and a copy of the Affidavit, notifying the grantor and grantee of the purported conveyance of the Affiant's ownership claim and the filing of the Affidavit, by registered or certified mail, return receipt requested, to the grantor and grantee's last known address.

(4) Attached to this certificate are:

(A) a true and correct copy of the letter described by Subdivision (3) of this certificate; and

(B) proof of mailing of the letter described by Subdivision (3) of this certificate.

Signed on the day of _____, 20 ____.

(Signature of Affiant(s))

State of Texas

County of _____

SWORN TO AND SUBSCRIBED before me on the _____ day of _____, 20____.
My commission expires:

Notary Public, State of Texas

Notary's printed name

MISC. DOCKET NO. _____

In Re: A Purported Conveyance § IN THE DISTRICT COURT
of Title to or an Interest In § _____ JUDICIAL DISTRICT
_____ § _____ COUNTY, TEXAS
(Property: Address or Legal Description)

**Petition for Judicial Review of Document or Instrument Purporting to
Convey Title to or an Interest in Real Property**

Now Comes _____ and files this petition requesting a judicial determination of the status of a document or instrument purporting to convey title to or an interest in real property filed in the office of the County Clerk of _____ County, Texas, and in support of the petition would show the court as follows:

I.

_____, petitioner herein, is the purported person who holds title to the real property or the interest in the real property described in the attached document or instrument.

II.

On the _____ day of _____, _____, in the exercise of the county clerk's official duties as County Clerk of _____ County, Texas, the county clerk recorded the document or instrument attached to this petition and containing _____ pages. The attached document or instrument purports to have conveyed title to or an interest in the real property to (name of purported grantee).

III.

Petitioner alleges that the attached document or instrument is fraudulent, as described by Section [51.901\(c\)\(4\)](#), Government Code, and that the document or instrument should therefore not be considered to convey title to or an interest in the real property described in the document or instrument.

IV.

Petitioner attests that the assertions herein are true and correct.

V.

Petitioner does not request the court to make a finding as to any underlying claim of the parties involved and acknowledges that this petition does not seek to invalidate a legitimate conveyance. Petitioner further acknowledges that petitioner may be subject to sanctions, as provided by Chapter [10](#), Civil Practice and Remedies Code, if this petition is determined to be frivolous.

PRAYER

Petitioner requests the court to review the attached document or instrument, the attached documentary evidence, and any relevant public records and enter an order determining whether the document or instrument should be considered to convey title to or an interest in the real property described in the document or instrument, together with such other orders as the court deems appropriate.

Respectfully submitted,

(Signature and typed name and address)

AFFIDAVIT

THE STATE OF TEXAS

COUNTY OF _____

BEFORE ME, the undersigned authority, personally appeared _____, who, being by me duly sworn, deposed as follows:

"My name is _____ . I am over 21 years of age, of sound mind, with personal knowledge of the following facts, and fully competent to testify.

I further attest that the assertions contained in the accompanying petition are true and correct."

Further affiant sayeth not.

Signature of Affiant

SUBSCRIBED and SWORN TO before me, this _____
day of _____, _____.

Notary Public, State of Texas

Notary's Printed Name

My commission expires: _____

MISC. DOCKET NO. _____

In Re: A Purported Conveyance of Title to or an Interest In _____
§ IN THE DISTRICT COURT
§ _____ JUDICIAL DISTRICT
§ _____ COUNTY, TEXAS
(Property: Address or Legal Description)

Judicial Finding of Fact and Conclusion of Law Regarding a Document or Instrument Purporting to Convey Title to or an Interest in Real Property

On the _____ day of _____, _____, in the above entitled and numbered cause, this court reviewed a petition, verified by affidavit, of _____, and the document or instrument attached to the petition, the other documentary evidence attached to the petition, and any relevant public records. No testimony was taken from any party, nor was there any notice of the court's review, the court having made the determination that a decision could be made solely on review of the document or instrument, the other documentary evidence, and public records under the authority vested in the court under Subchapter J, Chapter 51, Government Code.

The court finds as follows (only an item checked and initialed is a valid court ruling):

_____ The document or instrument attached to the petition herein DOES convey title to or an interest in real property and:

- (1) IS NOT the subject of a criminal conviction for an offense under Title 7 or Title 8, Penal Code, for conduct with respect to the document or instrument; and
- (2) IS NOT the subject of an uncontested owner's affidavit under Section 5.0206, Property Code.

_____ The document or instrument attached to the petition herein DOES NOT convey title to or an interest in real property and:

- (1) IS the subject of a criminal conviction for an offense under Title 7 or Title 8, Penal Code, with respect to the document or instrument; or
- (2) IS the subject of an uncontested owner's affidavit under Section 5.0206, Property Code.

This court makes no finding as to any underlying claims of the parties involved, and expressly limits its finding of fact and conclusion of law to the review of a ministerial act. The county clerk shall record this finding of fact and conclusion of law in the same class of records as the subject document or instrument was originally filed, and the court directs the county clerk to index it using the same names that were used in indexing the subject document or instrument.

Signed on this _____ day of _____.

District Judge