INSTRUCTIONS FOR FILING GOOD-FAITH CLAIMANT (GFC) AFFIDAVIT

If you are an applicant or other interested party filing as a good-faith claimant (GFC), you must submit a GFC Affidavit and supporting documents, such as deeds.

You may file a GFC Affidavit any time up to ninety (90) days following the issuance of a final vacancy order by the Texas Land Commissioner. Failure to file a GFC Affidavit by that time will result in forfeiture of any preferential right to purchase or lease.

The enclosed GFC Affidavit form may be used, or you may create a separate document including all the required elements of the GFC Affidavit as set forth in the enclosed form.

If you use the enclosed form, fill in the blanks in the first part and attach an approximate description of the portion of the vacancy to which your claims apply, marked as "Exhibit A."

Choose only the one option that describes your claims, complete that option, and cross out all other options with an "x."

The completed GFC Affidavit must be notarized.

With your GFC Affidavit, you must file proof of your claim, including copies of the deeds, tax receipts, title opinions or other documents providing evidence of your good-faith belief that you or your predecessors:

- Have occupied or used the land claimed to be vacant, including the surface or mineral estate;
- Hold an easement or right-of-way on or across the land claimed to be vacant;
- Own a mineral royalty or leasehold interest in the land claimed to be vacant;
- Have the land enclosed and have had it in possession under a chain of title for at least ten (10) years; or
- Own land adjoining the land claimed to be vacant.

Information supporting your GFC status may include, but is not limited to, the following:

- The purpose for which the vacant land is being and has been used;
- Your good-faith belief that the vacant land was included within the boundaries of a survey or surveys previously titled, awarded or sold under circumstances that led your predecessors in interest (10 years or more) and then you to believe that they and then you own the land;
- That you or your predecessors in interest have had the vacant land under fence or within definite recognized boundaries and have been in possession for 10 years or more with a good-faith belief that you own the vacant land;
- How you acquired your property;
- The extent and manner in which your property adjoins the vacant land;

- A brief history of the oil, gas, other mineral or geothermal resource activity on the land, including any active leases, royalty and leasehold interests;
- Whether you or your predecessors in interest have paid taxes on the land adjoining the vacancy, giving the specific taxes and dates;
- Evidence of any easement or right-of-way interests; and
- Any other factual statements that will help the GLO determine your good-faith claimant status.

Send the GFC Affidavit, supporting documents, and filing fees to the following address:

Vacancy Administrator
Legal Services Division
Texas General Land Office
1700 N. Congress Ave.
P. O. Box 12873
Austin, Texas 78711-2873
Phone: (512) 463-5009

REMEMBER to include a check for the appropriate document filing fees.
Fees include $25.00 for the GFC Affidavit and $25.00 each for all documents filed in support of the GFC affidavit (such as deeds, leases, etc.).

Good-Faith Claimant Affidavit (form)

STATE OF_____ § SF _____

§

COUNTY OF _____ § County_____

AFFIDAVIT

(Good-Faith Claimant)

[PLEASE PRINT LEGIBLY OR TYPE. CLAIMANT SHOULD MODIFY AS APPROPRIATE.]

The undersigned, being first duly sworn on oath, states as follows:

"My name is _____. I am over eighteen years of age and I reside at the following address:_____
_____."

"I, or my business entity_____ **[name of business entity]**, as the case may be, claim status as a good-faith claimant of approximately _____ acres out of the alleged vacancy in _____ County, Texas, described in the Application to Purchase or Lease Vacant Land, filed by _____(Applicant), SF No._____ _____. A plat, map, diagram, or other description, approximately depicting the portion of the vacancy to which I claim status as a good-faith claimant is attached to this affidavit as Exhibit A." **[Please attach an approximate description, marked as "Exhibit A."]**

[Instructions: Affiant should complete only the <u>one</u> option below that describes his or her claims, and cross out the others with an "x." Attach additional sheets to this affidavit form if necessary.]

Option 1 – Choose if asserting both surface and mineral claims:

"I have occupied or used the alleged vacancy, or, to the best of my knowledge and belief, my predecessors in interest have occupied or used the portion of the alleged vacancy described above, for various purposes including exploring for or removing oil, gas, sulphur, other minerals or geothermal resources from the alleged vacancy for a period of ____ years. Specifically, I have used the alleged vacancy at the following times for the following purposes:

_____

_____

_____."

Option 2 – Choose if asserting surface claim only:

"I have occupied or used the alleged vacancy, or, to the best of my knowledge and belief, my predecessors in interest have occupied or used the portion of the alleged vacancy described above for a period of ____ years. Specifically, I have used the alleged vacancy at the following times for the following purposes:

_____

_____

_____."

Option 3 –Choose if asserting mineral, royalty or leasehold claims only:

"I, or my business entity_____
[name of business entity], used the alleged vacancy for the purpose of exploring for or removing oil, gas, sulphur, other minerals or geothermal resources from the alleged vacancy at the following times and in the following manner:

_____

_____

_____."

Option 4 – Choose if asserting easement or right-of way claim:
"I, or my business entity_____
[name of business entity], used the alleged vacancy for the purpose of an easement or right-of-way for the following times and purpose(s):

_____

_____

_____."

Option 5 – Choose if asserting claim based on recognized boundaries for at least 10 years: "I, or to the best of my knowledge and belief, my predecessors in interest, have had the alleged vacancy enclosed or within definite recognized boundaries and in possession for a period of ten (10) or more years with a good-faith belief that the alleged vacancy was included inside the boundaries of the survey or surveys that were previously titled, awarded or sold under circumstances that led me to believe that I own the alleged vacancy.
"I acquired the alleged vacancy in the following manner, from following party(ies), and on the following dates:

_____

_____."

"I have paid real estate taxes on the alleged vacancy for the following

years:_____

_____."

Option 6 – Choose if asserting claim as the owner of land that adjoins land alleged to be vacant.

"I own property that adjoins the alleged vacancy in the following manner:

_____

_____

_____

_____."

Provide additional statements, if any, in support of this good-faith claim:

"_____

_____

_____."

SIGNATURE: _____

(Good-Faith Claimant)

SUBSCRIBED AND SWORN TO BEFORE ME by _____,

on the ____ day of _____, 20____ .

(Notary Seal)

_____

Notary Public, State of Texas

My Commission Expires: _____