

RECORDING REQUESTED BY:

AND WHEN RECORDED MAIL TO:

Assessor Parcel Number:

Above space for Recorder Use Only

AFFIDAVIT OF SURVIVING SPOUSE

(Succeeding to Community Property, California Probate Code Section 13540)

State of California

County of _____ }

I, _____, of legal age, being first duly sworn, depose and say:

That _____, the decedent mentioned in the attached certified copy of the Certificate of Death, is the same person named as one of the parties in that certain _____ dated _____, executed by _____ to _____

as community property, recorded as Instrument No. _____, in Book _____, page _____ of the Official Records of _____ County, California, covering the following described real property situated in the County of, State of California:

(Insert full legal description or attach as Exhibit "A")

That he/she was married to _____ at the time of the death of the decedent.

That the above-described property has been at all times since acquisition considered the community property of him/her and the decedent.

That more than forty (40) days have passed since the death of the above-named decedent, and no notice has been recorded pursuant to Section 13541 of the Probate Code of the State of California.

That with respect to the above-described property, there has not been nor will there be an election filed pursuant to Probate Code Sections 13502 or 13503 in any probate proceedings in any court of competent jurisdiction.

That the above-described property has not passed to someone other than the affiant under the decedent's will or by intestate succession.

That the property has not been disposed of in trust under the decedent's will, and that the decedent's will does not limit the affiant to a qualified ownership.

That this Affidavit is made for the protection and benefit of the surviving spouse, his/her successors, assigns and personal representatives, and all other parties hereafter dealing with or who may acquire an interest in the above-described property.

Dated: _____ Signature of Affiant: _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County Of _____

SUBSCRIBED AND SWORN TO (or affirmed) before me on this _____ day of _____, 20____, by _____, proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Notary Signature _____ (Seal)