

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

NAME:

ADDRESS:

CITY:

STATE/ZIP:

Title Order No.: _____ Space Above This Line For Recorder's Use Escrow No.: _____

AFFIDAVIT

SURVIVING SPOUSE SUCCEEDING TO TITLE TO COMMUNITY PROPERTY (CALIFORNIA PROBATE CODE SECTION 13540)

STATE OF CALIFORNIA}

COUNTY OF _____ } S.S.

_____, of legal age, being first duly sworn, deposes and says:

That _____, the decedent mentioned in the attached certified copy of Certificate of Death, is the same person as named as one of the parties in that certain _____, dated _____ executed by _____ to _____, as community property, recorded on _____, as Instrument No. _____, in Book _____, Page _____, of Official Records of _____ County, California, covering the following described property situated in the County of _____, State of California:

Assessor's Parcel No.: _____.

Property Address: _____.

That he/she was married to the decedent 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 decedent.

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.

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 proceeding 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.

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 others parties hereafter dealing with or who may acquire an interest in the above-described property.

Dated: _____

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.

Signature _____ (Seal)