

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

NAME

ADDRESS

CITY
STATE & ZIP

TITLE ORDER NO

ESCROW NO.

APN NO.

AFFIDAVIT

Surviving Spouse Succeeding to Title to Community Property
(Section 13540 Probate Code of the State of California)

STATE OF CALIFORNIA
COUNTY OF

} SS.

, of legal age, being first duly sworn, deposes and says:
, the decedent mentioned in the attached certified copy

that
of Certificate of Death, is the same person as
named as one of the parties in that certain
executed by
to

dated

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

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 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 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 interstate 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 other 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 this __ day of _____, 20_____,
by _____
Proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.**

Signature _____

THIS AFFIDAVIT WHEN COMPLETED IS TO BE SIGNED AND NOTARIZED. BEFORE RETURNING BE SURE TO COMPLETE ALL THE REQUESTED INFORMATION TO ENABLE THIS COMPANY TO PROPERLY PROCESS THE TRANSACTION PRESENTLY PENDING.

AFFIDAVIT

_____ **EACH FOR HIMSELF AND HERSELF,**
DECLARE: That they are the identical parties who made, executed and delivered that certain deed to _____, dated _____ and recorded _____, conveying the following property, to wit:

MORE COMMONLY KNOWN AS _____
(STREET ADDRESS)

That no consideration or minimal consideration was paid therefor;

That possession of said premises has been surrendered to the grantee;

That in the execution and delivery of said deed I was not acting under any misapprehension as to the effect thereof, and acted freely and voluntarily and was not acting under coercion or duress;

That this declaration is made for the protection of the grantee in said deed, his successors and assigns, and all other _____ which is about to insure the title to said property in reliance thereon, and any other title company which may hereafter insure the title to said property;

That I will testify, declare, depose, or certify before any competent tribunal, officer, or person, in any case now pending or which may hereafter be instituted, to the truth of the particular facts hereinabove set forth.

TITLE ORDER NO. _____ **APN NO.** _____

Dated _____

State of California

County of _____

On _____ before me, _____,

A Notary Public, personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

(Seal)