

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

NAME

ADDRESS

CITY
STATE & ZIP

AFFIDAVIT – DEATH OF SPOUSE

STATE OF CALIFORNIA }

COUNTY OF _____ } S.S.

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

The affiant was validly married to _____ immediately prior to the latter named party's death, and the affiant in conjunction with the decedent held title as "husband and wife" or as "husband and wife as community property" to the following described property:

That the affiant and the above-named decedent were married on _____ and affiant is the widow/widower of decedent; and that _____ died on _____, as evidenced by a certified copy of the Certificate of Death attached hereto, and that the affiant has carefully examined all of the decedent's personal possessions, letters, and belongings, and is certain that either (1) no will was executed by the decedent based not only on affiant's failure to discover a will, but because affiant was never informed of decedent having executed or declared a will, and affiant is certain that he/she would have been consulted, or would at least have had knowledge of that fact if a testamentary disposition were attempted, or (2) if a will is present, it is the last complete will (with codicils and/or other amendments) and that this will devised the subject property to the affiant; and that the above-described property has been at all times since acquisition considered the community property of the decedent and affiant and that any and all contributions to said property from whatever source were also considered by the decedent and affiant to be community in nature; and that with respect to the above-described property, there has not been or will there be an election filed pursuant to Probate Code Sections 13502 or 13503 in any probate proceedings in any court of competent jurisdiction; and that this affidavit is made for the protection and benefit of the grantee or grantees of the subject property, in conjunction with the successors, assigns, and personal representatives of the grantee or grantees and all other parties hereafter dealing with or who may acquire an interest in the property herein described.

Dated: _____

Signature: _____

STATE OF CALIFORNIA }
COUNTY OF _____ } S.S.

On _____ before me, _____, (here insert name and title of the officer), 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 _____