

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

**Affidavit of Surviving Spouse
Succeeding to Community Property
(California Probate Code Section 13540)**

State of California)
County of _____) ss.

I, _____, being duly sworn, deposed and of legal age, hereby state:

1. At the time of ___ death, I was married to _____, the decedent named in the attached certified copy of Certificate of Death.

2. At all times, my _____, _____, and I considered the real property, located at _____, and described as follows, to be community property:

All that real property situate in the County of _____, State of California, described as follows:

APN _____

3. More than forty (40) days have passed since decedent's death.

4. There has not been nor will there be an election filed pursuant to Probate Code Sections 13502 or 13503.

5. Pursuant to California Probate Code Section 13540, I am the successor to decedent's interest in the above described real property. No other person have any right in such property by testate or intestate succession.

Dated: _____

Subscribed and sworn to (or affirmed) before me on this _____ day of _____, 20___, by

_____,
personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature _____

JurisDocuments.com

Example

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WHEN RECORDED MAIL TO:

Affidavit of Surviving Spouse
Succeeding to Community Property
(California Probate Code Section 13540)

State of California)
County of _____) ss.

I, __ (Name of Declarant) __, being duly sworn, deposed and of legal age, hereby state:

1. At the time of __ (his or her) __ death, I was married to __ (Name of husband or wife), the decedent named in the attached certified copy of Certificate of Death.

2. At all times, my __ (husband or wife) __, __ (Name) __, and I considered the following real property, situated in the County of _____, State of California, to be community property:

All that real property situate in the County of _____, State of California, described as follows:

[Legal description]

APN __ (Assessor's Parcel No.) __

3. More than forty (40) days have passed since decedent's death.

4. There has not been nor will there be an election filed pursuant to Probate Code Sections 13502 or 13503 __ (election to probate spouse's interest in such real property or transfer it to spouse's trust) __.

5. Pursuant to California Probate Code Section 13540, I am the successor to decedent's interest in the above described real property. No other person have any right in such property by testate or intestate succession.

Dated: _____

(Name)

Subscribed and sworn to (or affirmed) before me on this
_____ day of _____, 20____, by

personally known to me or proved to me on the basis of
satisfactory evidence to be the person(s) who appeared
before me.

Signature _____