

RECORDING REQUESTED BY

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State

SPACE ABOVE THIS LINE FOR RECORDER'S USE



**AFFIDAVIT FOR SURVIVING SPOUSE**

(California Probate Code §13540)

Prepared by: Agent \_\_\_\_\_ Phone \_\_\_\_\_  
Broker \_\_\_\_\_ Email \_\_\_\_\_

**DATE:** \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_, California.

*Items left blank or unchecked are not applicable.*

**FACTS:**

1. \_\_\_\_\_,  
is the decedent named in the attached certified copy of the Certificate of Death.
2. \_\_\_\_\_,  
is the surviving spouse of the decedent, being married to the decedent at the time of decedent's death.
3. More than 40 days have passed since the decedent's death.
4. The decedent and the surviving spouse treated as community property the following real property situated in the County of \_\_\_\_\_, State of California, referred to as:

APN# \_\_\_\_\_

- 5. No election has been or will be made in any probate proceedings to administer the decedent's or the surviving spouse's interest in the described property.
- 6. The surviving spouse is the successor to the decedent's interest in the described property since no other person has acquired any right to the property by testate or intestate succession.
- 7. The surviving spouse has full power to dispose of, lease, or encumber the described property as provided in Calif. Probate Code §13540.
- 8. I, the undersigned, declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: \_\_\_\_\_, 20\_\_\_\_\_

Signature: \_\_\_\_\_

- Of the:
- Surviving spouse
  - Personal representative of surviving spouse
  - Guardian of the estate of the surviving spouse
  - Conservator of the estate of the surviving spouse

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.

\_\_\_\_\_  
(Seal)

(This area for official notarial seal)

\_\_\_\_\_  
(Signature)