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**AFFIDAVIT OF SURVIVING SPOUSE/DOMESTIC PARTNER**  
**Confirming Succession to Title to Community Property**  
(California Probate Code Section 13540)

I, \_\_\_\_\_ the undersigned, am the surviving spouse and personal representative, guardian of the estate or conservator of the surviving spouse and as such I have the full power to sell the above referenced property pursuant to Probate code section 13540.

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

1. 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 \_\_\_\_\_ Deed dated \_\_\_\_\_ executed by \_\_\_\_\_ to \_\_\_\_\_, husband and wife as community property, recorded on \_\_\_\_\_ in \_\_\_\_\_, of Official Records in \_\_\_\_\_ County, California, covering the following described property situated in the County of \_\_\_\_\_, State of California, Tax Assessor's Parcel No. \_\_\_\_\_, commonly known as more particularly described as:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

- 2. That he/she was married to \_\_\_\_\_ at the time of the death of decedent.
- 3. That the above described property has been at all times since acquisition considered the community property of him/her and decedent.
- 4. More than forty (40) days have passed since the death of the above-named decedent, and no notice has been recorded pursuant to Probate Code Section 13541.
- 5. 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 (election to probate spouse's interest in such real property or transfer it to spouse's trust) in any probate proceedings in any court of competent jurisdiction.
- 6. 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, in reliance upon, among other things, the assurances contained in this Affidavit.

That the value of all real and personal property owned by said decedent at date of death did not then exceed the sum of \_\_\_\_\_ Dollars (\$\_\_\_\_\_).

**AFFIDAVIT**

(continued)

Dated: \_\_\_\_\_

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of \_\_\_\_\_

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)