RECORDING REQUESTED BY

WHEN RECORDED MAIL TO

**Name**

**Address**

**City, State Zip**

Title Order No.

Escrow No.

# AFFIDAVIT – DEATH OF SPOUSE

# (By surviving spouse succeeding to title to Community Property – Sec. 13540 Probate Code)

**APN:**

STATE OF CALIFORNIA,

COUNTY OF       ,

     , being first duly sworn, deposes and says:

That he/she was validly married to       immediately prior to the latter named party’s death, and that the affiant in conjunction with the decedent held title 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 decedents’ personal possessions, letters, papers, effects, and belongings, and is certain that either

1. no will was executed or otherwise declared 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 has knowledge of that fact if a testamentary disposition were attempted, or
2. if a will is present that 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, with respect to the above-described property, there has not been nor will there be an election filed pursuant to Probate Code 13502 (a) or (b) 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, and particularly for the benefit of Orange Coast Title Company which is preparing to insure the title to said property in reliance upon the assurances of affiant contained in this affidavit and otherwise; and

**APN:**

That affiant will testify, declare, depose, or certify before any 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.

**Dated:**

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.

Subscribed and sworn to (or affirmed) before me on this

      day of       ,       , by

      ,

proved to me on the basis of satisfactory evidence to

be the person(s) who appeared before me.

Signature \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (This area for notary stamp)