

Recording requested by (name):

\_\_\_\_\_

When recorded mail to  
and mail tax statements to:

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Recorder's Use Only

**AFFIDAVIT-SURVIVING SPOUSE  
OR DOMESTIC PARTNER  
SUCCEEDING TO TITLE  
(Cal. Prob. § 13540)**

**Assessor's Parcel No. (APN):**

\_\_\_\_\_

**Declaration of Exemption From Gov't Code § 27388.1 Fee**

- Transfer is exempt from fee per GC § 27388.1(a)(2):
  - recorded concurrently "in connection with" transfer subject to DTT
  - recorded concurrently "in connection with" a transfer of residential dwelling to an owner-occupier
- Transfer is exempt from fee per GC 27388.1(a)(1):
  - Fee cap of \$225.00 reached     Not related to real property

\_\_\_\_\_, 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 \_\_\_\_\_ as community property with right of survivorship, recorded as Instrument No. \_\_\_\_\_ in Book/Reel \_\_\_\_\_, Page/Image \_\_\_\_\_, of Official Records of \_\_\_\_\_ County, California, covering the following described property situated in the City of \_\_\_\_\_, County of \_\_\_\_\_, California (insert legal description):

2. That he/she was married to, or the registered domestic partner of the decedent at the time of his/her death.

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 section 13541 of the Probate Code.

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 in any probate proceedings in any court of competent jurisdiction.

6. That the above-described property has not passed to someone other than the affiant under the decedent's will or by intestate succession.

7. That the property has not been disposed of in trust under the decedent's will.

8. That the decedent's will does not limit the affiant to a qualified ownership.

9. That 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.

Date: \_\_\_\_\_

\_\_\_\_\_  
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 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.

Signature \_\_\_\_\_