

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL THIS DOCUMENT
AND TAX STATEMENTS TO:

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

Assessor's Parcel No.

Title Order No.

Escrow No.

AFFIDAVIT - DEATH OF SPOUSE
California Probate Code Sections 5602 and 13540 et seq.

STATE OF _____)

)ss

COUNTY OF _____)

_____, ("Declarant") is of legal age, being first duly sworn, deposes and states under penalty of perjury under the laws of the State of _____:

- 1) That _____ ("Decedent") is the person referenced in the attached certified copy of the Certificate of Death who died on _____ at _____.
- 2) That Declarant was legally married to the Decedent as of the date of death referenced in the attached Certificate of Death and is the surviving spouse of the Decedent in accordance with California Probate Code Section 78.
- 3) That Declarant and Decedent are the same persons as _____ **and** _____ who are named as the grantees ("Grantees") in that certain _____ dated _____ executed by _____ in favor of Grantees vesting title as _____ and which document was recorded as Instrument No. _____ of Official Records of _____ County, _____, covering the following described property situated in the County of _____, State of _____ (the "Real Property"):
- 4) That the Declarant has carefully examined all of the decedent's personal possessions, letters, papers, effects and belongings, and is certain that either:
 - (i) no will was executed or otherwise declared by the Decedent, based not only on Declarant's failure to discover a will, but because Declarant was never informed of Decedent having executed or declared a will, and Declarant is certain that he/she would have been consulted, or would at least have had knowledge of that fact if a testamentary disposition were attempted, or
 - (ii) if a will does exist that it is the last complete will (with codicils and/or other amendments) and that this will devised the Real Property to the Declarant.
- 5) That the Real Property has been at all times since acquisition considered the community property of Decedent and Declarant and that any and all contributions to said Real Property from whatever source were also considered by Decedent and Declarant to be community in nature.

- 6) That, with respect to the Real 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.
- 7) That this Affidavit is made for the protection and benefit of the grantee or grantees of the Real 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 Real Property, and particularly for the benefit of North America Title Insurance Company which is preparing to insure the title to the Real Property in reliance upon the assurances of Declarant contained in this affidavit and otherwise.
- 8) That Declarant 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.

Executed on: _____

Declarant

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.

FOR NOTARY SEAL OR STAMP

Signature _____