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### AFFIDAVIT

#### Surviving Spouse Succeeding to Title to Community Property (Section 13540 Probate Code of the State of California)

State of California

County of \_\_\_\_\_

\_\_\_\_\_, of legal age, being first duly sworn, deposes and says:  
that \_\_\_\_\_, the decedent mentioned in the attached certified copy of  
Certificate of Death, is the same person named as one of the parties in that certain \_\_\_\_\_  
dated \_\_\_\_\_ executed by \_\_\_\_\_  
to \_\_\_\_\_ as community property, recorded as Instrument No. in Book  
\_\_\_\_\_, Page \_\_\_\_\_, of Official Records of \_\_\_\_\_ County,  
California, covering the following described property situated in the County of \_\_\_\_\_  
\_\_\_\_\_, State of California. That he/she was married to  
\_\_\_\_\_ at the time of the death of the decedent.

That the above-described property has been at all times since acquisition considered the community property of him/her and decedent. 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.

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.

That the above described property has not passed to someone other than the affiant under the decedent's will or by interstate succession. That the property has not been disposed of in trust under the decedent's will. That the decedent's will does not limit the affiant to a qualified ownership.

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.

Dated \_\_\_\_\_

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.

Notary Signature \_\_\_\_\_ (seal)