

Recording requested by (name):

[Name(s) of new owners]

Name of person recording the Affidavit-Surviving Spouse or Domestic Partner.

When recorded mail to and mail tax statements to:

[Name(s) of new owners]

[Mailing Address of new owners]

[Mailing Address of new owners]

[Mailing Address City, State, ZIP]

Name and address of person who should receive the stamped copy of this document when recorded, and tax statements from now on.

1/1/2018: In addition to standard fees, a new \$75 fee is charged for recording documents. Leave this blank unless you qualify for an exemption. See back of sheet for more info.

# AFFIDAVIT-SURVIVING SPOUSE OR DOMESTIC PARTNER SUCCEEDING TO TITLE

(Cal. Prob. § 13540)

Assessor's Parcel No. (APN):

[Assessor's Parcel No.]

This can be found on the current deed or the tax bill.

## 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

[Name of person signing affidavit]

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

1. That [Name of deceased owner as spelled in death certificate], the decedent mentioned in the attached certified copy of Certificate of Death, is the same person as [Name of deceased owner as spelled on deed], named as one of the parties in that certain deed, dated [date deed was signed], to [Names of spouses or registered domestic partners as spelled on deed], as community property with right of survivorship, and recorded on [date deed was recorded] as Instrument No. [Inst. No., if used] in Book/Reel [Book or Reel No., if used], Page/Image [Page or Image No., if used] of the Official records of [County] County, California, covering the following described property situated in the City of [City], County of [County], California (insert legal description):

Copy this info from the most recent deed.

**[Enter legal description as written on deed. If you prefer, type (or photocopy) the description on a separate page labeled "Exhibit A," attach it, and enter "See Exhibit A" in this space].**

- 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 conveyed to him/her and decedent.
- 4. More than forty (40) days have passed since the death of the above-named decedent and no deed 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 any probate proceedings under Probate Code Sections 13502 or 13503 in any probate proceedings in any court of this state.
- 6. That the above-described property has not passed to someone other than the decedent or the surviving spouse 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.

Enter the exact legal description of the property as shown on the current deed.

**OR:**  
Attach description as Exhibit A (photocopy the exhibit attached to the current deed, if any) and type or write "See Exhibit A" in this space.

Date: [Date of Signature]

Sign in front of the Notary Public

Signature

[Name of person signing affidavit]

Print Name

Sacramento County does not use Instrument Numbers, only Book/Reel and Page/Image numbers. Use whatever is appropriate for the county where the property is located.

# AFFIDAVIT –SURVIVING SPOUSE OR DOMESTIC PARTNER SUCCEEDING TO TITLE

**Please note:** Additional forms may be required, such as a “Change of Ownership Statement: Death of Real Property Owner,” a “Claim for Reassessment Exclusion,” or others. Visit [www.assessor.saccounty.net/DeathOfRealPropertyOwner/Pages/default.aspx](http://www.assessor.saccounty.net/DeathOfRealPropertyOwner/Pages/default.aspx) for info.

## NEXT STEPS:

1. **Sign the Affidavit** in front of a notary public.
2. Fill out the **Preliminary Change of Ownership Report (PCOR)**. This form is required by the Assessor's Office. You can download a copy for Sacramento at [www.assessor.saccounty.net](http://www.assessor.saccounty.net). Each county has its own form; contact the assessor in the county where the property is located.
3. **Record the Affidavit and file the PCOR** at the Recorder's Office in the county where the property is located. If you attached the property description (instead of typing it out), be sure to include the attachment when you record the Affidavit.
4. **Fees:** There are two fees: a filing fee (currently \$20/first page plus \$3/additional page in Sacramento) and a \$75 Building Homes and Jobs Act fee. Current Sacramento fees are available at the [Sacramento County Recorder's](http://www.ccr.saccounty.net/Pages/Fees.aspx) website at [www.ccr.saccounty.net/Pages/Fees.aspx](http://www.ccr.saccounty.net/Pages/Fees.aspx).

There are some exemptions from the \$75 fee. If you qualify, fill out the exemption box on page one of the affidavit, or you will be charged. If not, leave it blank. For more information, visit the [California Land Title Association's](http://www.clta.org/page/SB2CountyDocs) information page at [www.clta.org/page/SB2CountyDocs](http://www.clta.org/page/SB2CountyDocs).

5. File any required **property tax reassessment exclusion claim** with the Assessor's Office. When property changes hands, it is "reassessed" for tax purposes, often causing a sizeable increase in property tax for the new owner. Certain transfers are excluded from reassessment, generally including transfers between spouses and transfers via inheritance. You may need to file forms to claim the exclusion. For further information contact your local assessor's office. In Sacramento, visit [www.assessor.saccounty.net/ExemptionExclusion/Pages/ExclusionsMoreInfo.aspx](http://www.assessor.saccounty.net/ExemptionExclusion/Pages/ExclusionsMoreInfo.aspx).

## FOR MORE INFORMATION

- Sacramento County Clerk-Recorder's Office  
<http://www.ccr.saccounty.net/>
- Sacramento County Assessor's Office  
<http://www.assessor.saccounty.net/>

**Sacramento County Public Law Library**  
609 9th Street, Sacramento, CA 95814  
916-874-6012  
[www.saclaw.org](http://www.saclaw.org)