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How to Complete Your Affidavit – Death of Life Tenant

Clearing a Life Estate From Title After the Life Tenant Dies (Probate Code Section 210)

INSTRUCTIONS — KEEP FOR YOUR RECORDS. DO NOT ATTACH THIS PAGE TO YOUR AFFIDAVIT – DEATH OF LIFE TENANT.

About this form. A **life estate** lets someone (the **life tenant**) use a property for their lifetime; when they die, the property passes automatically to the **remainder** owners named in the deed, without probate. Recording this sworn affidavit, with a certified death certificate attached, updates the public record so the remainder owners can sell, refinance, or insure the property.

1. **Order a certified death certificate**
   Get a certified copy (not a photocopy). It must be attached to the affidavit when you record it.
2. **Find the deed that created the life estate**
   Copy its type, date, the names on it, the instrument number and recording date, and the legal description exactly.
3. **Fill in the affidavit**
   Usually a remainder owner signs, but anyone who knows the facts may. Enter the decedent's name exactly as on the death certificate and on the deed.
4. **Sign under oath in front of a notary**
   The notary will place you under oath and complete a jurat. Do **not** sign ahead of time. Bring a current government-issued photo ID. We come to you.
5. **Record it with the County Recorder**
   Record the affidavit, with the certified death certificate attached, in the county where the property is located. Mark the $75 fee box that fits your situation.
6. **Notify the County Assessor**
   File a **Change in Ownership Statement – Death of Real Property Owner** (BOE-502-D) with the County Assessor within 150 days of the death.

Good to Know

- The remainder owners already own the property when the life tenant dies; this affidavit makes the public record match.
- If a remainder owner has also died, or the deed is unclear, talk to an attorney or title company before recording.
- The County Recorder mails the recorded original to the "When Recorded Mail To" address. Keep it with your property records.

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SCAN TO BOOK

Questions about this document? Talk to an attorney. Gavrilov & Brooks Law Firm has attorneys licensed in California, Nevada, and other states. Phone and video consultations are available. **(916) 504-0529** · **www.gavrilovlaw.com**

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Recording Requested By:

_____

When Recorded Mail This Document and Mail Tax Statements To:

Name: _____

Address: _____

City, State, ZIP: _____

Space Above This Line For Recorder's Use

AFFIDAVIT – DEATH OF LIFE TENANT

(California Probate Code Sections 210–212)

_____ Assessor's Parcel Number (APN)

_____ File / Order No. (if any)

DECLARATION OF EXEMPTION FROM GOV. CODE § 27388.1 FEE (Building Homes and Jobs Act)

☐ Exempt per GC § 27388.1(a)(2): recorded "in connection with" a transfer of a residential dwelling to an owner-occupier

☐ Exempt per GC § 27388.1(a)(1): fee cap of $225 reached

☐ Not exempt — fee to be paid at recording

State of California)

County of _____) ss.

_____
(name of person signing this affidavit — the affiant)
, of legal age, being first duly sworn, deposes and says:

That

_____
(name of decedent exactly as shown on the death certificate)
, the decedent mentioned in the attached certified copy of Certificate of Death, is the same person as

_____
(name of decedent exactly as shown on the deed)
named as life tenant (holder of a life estate) in that certain

_____ (type of document, e.g., Grant Deed) _____ (date of document)
executed by

_____
(name(s) of grantor(s) on that document)
to

_____
(name(s) of grantee(s) on that document, including the life tenant and remainder beneficiaries)

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which created a life estate in the decedent, recorded as

Instrument / Document No.	Recording date	Book	Page

of Official Records of

(county where the deed was recorded)

County, California, covering the following described property situated in the

(city, or “unincorporated area”) (county)

State of California:

LEGAL DESCRIPTION

Copy exactly from the deed. If it does not fit, write “See Exhibit A attached” and attach it.

Commonly known as (street address of property)

SIGNATURE OF AFFIANT

Dated: _____

(signature of affiant) (printed name of affiant)

Sign only in front of the notary, who will place you under oath and complete the jurat on the next page.

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JURAT

Attach a certified copy of the Certificate of Death before recording.

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 _____

(name(s) of signer(s))

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

(Seal)

Signature _____

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