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How to Complete Your Affidavit – Death of Transferor (TOD Deed)

For Beneficiaries of a California Transfer on Death Deed (Probate Code Sections 5680–5682)

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

About this form. When the owner (the **transferor**) of a home with a recorded Transfer on Death (TOD) deed dies, the property passes to the named **beneficiaries** without probate. To complete the transfer, California law requires the beneficiary to record evidence of the death and confirm that the decedent's heirs were notified. This sworn affidavit does both.

1. **Order a certified death certificate**
   Get a certified copy (not a photocopy). It must be attached to this affidavit when you record it.
2. **Serve the notice to heirs first**
   Before signing, serve the notice Probate Code § 5681 requires on the decedent's heirs, with a copy of the TOD deed and the death certificate. Deciding who counts as an "heir" can be complicated; an attorney can help.
3. **Fill in the TOD deed details**
   From the recorded TOD deed, copy its date, recording date, document number, the beneficiaries' names, and the legal description exactly.
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 Assessor and, if needed, Medi-Cal**
   File a **Change in Ownership Statement – Death of Real Property Owner** (BOE-502-D) with the County Assessor within 150 days. If the decedent received Medi-Cal, notify the Department of Health Care Services (Probate Code § 215).

Good to Know

- Beneficiaries take the property subject to the decedent's mortgages and liens, and may be responsible for certain debts.
- If the home was sold, transferred, or the TOD deed was revoked before death, the TOD deed may have no effect. Ask an attorney.
- 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 To:

Name: _____

Address: _____

City, State, ZIP: _____

Space Above This Line For Recorder's Use

AFFIDAVIT – DEATH OF TRANSFEROR (TOD DEED)

(California Probate Code Sections 210 and 5680–5682)

_____ _____

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 — usually the beneficiary)

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

1.

_____

(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 transferor exactly as shown on the TOD deed)

, the transferor under the Revocable Transfer on Death Deed dated

_____ _____ _____

(date of TOD deed) (recording date) Instrument / Document No.

in Book/Reel and Page/Image (if any) of the Official Records of

_____ _____ _____

Book / Reel Page / Image (county where the TOD deed was recorded)

County, California, which named as beneficiary(ies):

_____

(name(s) of beneficiary(ies) named in the TOD deed)

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and which transferred the following described property, located at:

(street address of the dwelling)	(city, or “unincorporated area”)	(county)

LEGAL DESCRIPTION

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

2. NOTICE TO HEIRS: I served the notice required by Probate Code Section 5681.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: _____

(signature of affiant)	(signature of co-affiant, if any)
(printed name)	(printed name)

Sign only in front of the notary, who will place you under oath and complete the jurat on the next page. Attach a certified copy of the death certificate before recording.

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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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