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How to Complete Your Affidavit – Death of Trustee

Updating Title When a Trustee of a Living Trust Dies (California Probate Code Section 210)

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

About this form. When the trustee of a living trust dies, the **successor trustee** named in the trust takes over managing the trust's property. Recording this sworn affidavit, with a certified death certificate attached, shows the public record that the successor trustee now has authority to sell, refinance, or transfer the trust's real property — without probate.

1. **Order a certified death certificate**
   Get a certified copy (not a photocopy) from the county recorder or health department where the death occurred. It must be attached to the affidavit when you record it.
2. **Gather the trust and the deed**
   From the trust document, note its exact name, date, and the trustors. From the deed that put the property into the trust, copy the recording date, document number, and legal description exactly.
3. **Fill in the affidavit**
   The surviving or successor trustee named in the trust signs. Enter the decedent's name exactly as it appears on the death certificate and on the deed.
4. **Sign under oath in front of a notary**
   This is a sworn statement, so 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. Recording fees apply; 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** (form BOE-502-D) with the County Assessor within 150 days of the death. Each county has its own version.

Good to Know

- Banks and title companies often also ask for a **Certification of Trust** signed by the successor trustee.
- A successor trustee has legal duties, including notifying beneficiaries and heirs within 60 days (Probate Code § 16061.7). An attorney can explain them.
- The County Recorder mails the recorded original to the "When Recorded Mail To" address. Keep it with the trust 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 TRUSTEE

(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:

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 decedent exactly as shown on the deed)

named as Trustee in that certain Declaration of Trust (trust agreement) identified as

_____ _____

(name of trust) (date of trust)

executed by

_____

(name(s) of trustor(s) / settlor(s))

as Trustor(s).

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2. At the time of the decedent's death, decedent was the owner, as Trustee, of certain real property acquired by a deed recorded on

Recording date	Instrument / Document No.	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)

3. I am the surviving or successor Trustee of the same trust under which said decedent held title as trustee pursuant to the deed described above, and am designated and empowered pursuant to the terms of said trust to serve as Trustee thereof.

SIGNATURE OF AFFIANT

Dated: _____

(signature of affiant, successor trustee) (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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