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How to Complete Your California Certification of Trust

Proof of a Living Trust Without Showing the Whole Trust (Probate Code Section 18100.5)

INSTRUCTIONS — KEEP FOR YOUR RECORDS. DO NOT ATTACH THIS PAGE TO YOUR CERTIFICATION OF TRUST.

About this form. Banks, title companies, and brokers often need proof that a living trust exists and that you have authority to act as trustee. A **Certification of Trust** gives them the key facts — without handing over the private details of your trust. California law lets them rely on it, and limits when they can demand the full trust document.

1. **Have your trust document in front of you**
   Copy the trust's exact name and signing date, the settlors, and the current trustees exactly as written in the trust.
2. **Describe the trustees' powers**
   Mark the powers the institution cares about, such as dealing with real estate or bank accounts. Your trust and Probate Code §§ 16200 and following describe the trustee's full powers.
3. **Complete the remaining items**
   Mark whether the trust is revocable and who can revoke it, how many co-trustees must sign, the trust's tax number, and how title should be held.
4. **Add any real property**
   If the institution needs it (for example, a title company), copy the legal description of the trust's real property from the deed, or attach it as Exhibit A.
5. **All acting trustees sign before a notary**
   Every currently acting trustee must sign. Do **not** sign ahead of time. Bring a current government-issued photo ID. We come to your home, office, hospital, or care facility.
6. **Give it to the institution**
   Provide the original or a copy, as the bank or title company requests. Keep a copy with your trust documents.

Good to Know

- If a trustee has died, the successor trustee may also need to record an Affidavit – Death of Trustee for real property.
- If the trust is amended or a trustee changes, sign a new certification so the facts stay accurate.
- An institution may still ask for excerpts of the trust that show who the trustees are and what powers they have.

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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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YOUR FORM BEGINS ON THE NEXT PAGE

CERTIFICATION OF TRUST

(California Probate Code Section 18100.5)

The undersigned, being all of the currently acting trustee(s) of the trust named below, certify as follows:

1. Existence of trust. The following trust exists and was executed on the date shown:

_____ _____

(full name of trust) (date trust instrument was executed)

2. Settlor(s) (also called trustor or grantor):

_____

(name(s) of settlor(s))

3. Currently acting trustee(s) and mailing address(es):

_____ _____

(name of trustee) (mailing address)

_____ _____

(name of co-trustee, if any) (mailing address)

4. Powers of the trustee(s). The trustee(s) have all powers granted by the trust instrument and by California law, including the power to (mark all that apply):

- ☐ Acquire, sell, convey, encumber, lease, and otherwise deal with real property
- ☐ Open, maintain, and close accounts; deposit, withdraw, and transfer funds and securities
- ☐ Borrow money and pledge or encumber trust property as security
- ☐ Other:

_____

(describe)

5. Revocability. The trust is ☐ revocable ☐ irrevocable. The person(s) holding the power to revoke the trust (if any):

_____

(name(s), or "none")

6. Co-trustee signatures. If there is more than one trustee, the signature of ☐ all trustees ☐ any one trustee ☐ other: _____ trustee(s) is required to exercise the trustees' powers.

7. Trust identification number (Social Security or Employer Identification Number):

_____

(trust taxpayer identification number)

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8. Title to trust assets shall be taken in the following name:

_____

(for example: “Jane Doe, Trustee of the Doe Family Trust dated May 1, 2020”)

9. Real property held in the trust (legal description, if applicable; attach as Exhibit A if needed):

10. The trust has not been revoked, modified, or amended in any manner that would cause the representations contained in this certification of trust to be incorrect. This certification is signed by all of the currently acting trustees. I/We declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: _____

_____ _____

(signature of trustee) (signature of co-trustee, if any)

_____ _____

(printed name) (printed name)

Every currently acting trustee must sign in front of the notary, who will complete the acknowledgment on the next page.

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CERTIFICATE OF ACKNOWLEDGMENT

Notary acknowledgment of the trustee signature(s) on this Certification of Trust.

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 _____)

On _____ before me, _____

(here insert name and title of the officer)

personally appeared _____

, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(Seal)

Signature _____