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How to Complete a Spousal Consent

When One Spouse Signs a Guarantee, Sale, or Business Agreement

INSTRUCTIONS — KEEP FOR YOUR RECORDS. DO NOT ATTACH THIS PAGE TO YOUR SPOUSAL CONSENT.

About this form. In California, most property acquired during marriage is **community property**. When one spouse signs a business agreement, personal guarantee, sale, or loan, the other party often asks the **other spouse** to sign a consent, confirming they know about it and agree that their community interest is bound. It works the same way for registered domestic partners.

1. **Read the agreement first**
   The consenting spouse should read the actual agreement being signed, not just this form.
2. **Fill in both spouses and the agreement**
   Identify the agreement by name and date, and the other party or company.
3. **Describe any specific property**
   If a specific asset is affected (such as an LLC interest or a home), describe it.
4. **Consider independent advice**
   Consenting can put community property at risk. Each spouse may want their own attorney.
5. **Sign in front of a notary**
   Do **not** sign ahead of time. Bring a current government-issued photo ID. We come to your home or office.
6. **Attach it to the agreement**
   Give the signed consent to the other party with the agreement and keep a copy.

Good to Know

- Retirement plans (401(k)s and pensions) require their own federal spousal consent form — use the plan's form.
- Some agreements include their own spousal consent page. If so, the other party may prefer that version.
- A spouse who does not consent may still be affected by community property rules. Ask an attorney.

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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

SPOUSAL CONSENT

Consent of Spouse or Registered Domestic Partner to a Transaction

1. Spouses. I, the undersigned,

_____ _____

(full name of consenting spouse or domestic partner) (address)

am the spouse or registered domestic partner of

_____

(full name of the signing spouse)

2. The transaction. I have read and understand the following document or transaction (the "Agreement") signed or to be signed by my spouse or partner:

_____ _____

(name of document, e.g., "Personal Guarantee" or "LLC Operating Agreement") (date)

_____

(other party or company involved)

3. Consent. I consent to my spouse or partner signing and performing the Agreement, and I agree that any interest I have in the property or obligations covered by it, including any community property interest, is bound by its terms (mark if applicable):

☐ This includes the following property:

_____

(describe, e.g., "50% membership interest in ABC LLC" or the property address)

4. Understanding. I understand that this consent may affect my rights in community property and may make community property available to satisfy obligations under the Agreement. I have had the opportunity to consult an independent attorney of my choice, and I sign this consent voluntarily, without pressure or undue influence. This consent does not make me a party to the Agreement except as stated above.

Consenting Spouse or Partner

_____

(signature)

_____ _____

(printed name) (date)

Acknowledged by Signing Spouse (optional)

_____

(signature)

_____ _____

(printed name) (date)

Sign in front of the notary public, who will complete the acknowledgment on the next page.

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CERTIFICATE OF ACKNOWLEDGMENT

Notary acknowledgment of the signature(s) on this Spousal Consent.

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 _____