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How to Complete Your Florida Affidavit of Continuous Marriage

Affidavit of Continuous Marriage and Death of Spouse (Florida)

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

About this form. When a married couple owns Florida property as tenants by the entirety and one spouse dies, the survivor becomes the sole owner automatically. This sworn affidavit, recorded with the death certificate, shows in the public records that the couple **remained married** from the time they acquired the property until the death.

1. **Identify the property and deed**
   Enter the legal description and the recording details of the deed that conveyed the property to you and your spouse.
2. **Enter the marriage and death details**
   Enter your spouse's name and date of death, and the date of your marriage.
3. **Attach a certified death certificate**
   Florida clerks generally require a certified copy of the death certificate. Florida death certificates without the cause of death are suitable for recording.
4. **Sign under oath in front of a notary**
   The surviving spouse signs in front of the notary. Bring a current, government-issued photo ID.

After It's Signed

- Record the affidavit, with the death certificate, with the Clerk of the Circuit Court in the county where the property is located.
- Once recorded, the public records show you as the sole owner, which helps when you later sell, refinance, or transfer the property.
- Update the property appraiser's records and your homeowner's insurance policy.

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Have questions about this document? To consult with an attorney, contact **Gavrilov & Brooks Law Firm** at **(916) 504-0529** or **www.gavrilovlaw.com**. Main headquarters: 2315 Capitol Avenue, Sacramento, CA 95816.

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This instrument was prepared by and, after recording, return to:

Name

Street address

City, state, ZIP

Space reserved for the Clerk of the Circuit Court

Parcel identification number (property appraiser)

AFFIDAVIT OF CONTINUOUS MARRIAGE

(Death of Spouse; Tenancy by the Entirety)

State of

County of

Before me, the undersigned authority, personally appeared the affiant named below ("Affiant"), who, being first duly sworn, deposes and says:

Name of affiant (surviving spouse)

Post office address

1. Affiant and the decedent named below acquired title to the following described real property as husband and wife:

Name of deceased spouse (decedent)

Date of death

Street address of property

County

Legal description (or write "See Exhibit A attached" and attach it)

2. Title was conveyed to Affiant and the decedent by the deed recorded:

Recording date

Official Records Book

Page

Instrument number

Affiant's initials: _____

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3. Affiant and the decedent were married to each other on the following date, and they remained continuously married to each other from that date, including the date they acquired title, until the death of the decedent. They were never divorced, and no action for dissolution of marriage was pending at the time of death.

Date of marriage

4. The decedent died on the date stated above, and a certified copy of the death certificate is attached.

5. Affiant is the surviving spouse and, by operation of law, the sole owner of the property as surviving tenant by the entirety.

6. Affiant makes this affidavit to induce the public, title insurers, and any buyer or lender to rely on it.

Under penalties of perjury, Affiant declares that the facts stated in this affidavit are true.

X _____

Signature of affiant

Printed name

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JURAT

State of

County of

Sworn to (or affirmed) and subscribed before me by means of

physical presence or

online notarization,

this day of

month

year

by (name of affiant)

Personally Known OR

Produced Identification

Type of identification produced

X

Signature of Notary Public

(Notary seal)

Print, type, or stamp commissioned name of Notary Public

Commission number

Commission expires

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