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How to Complete Your Texas Community Property Survivorship Agreement

Community Property Survivorship Agreement (Texas Estates Code Chapter 112)

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

About this form. Texas spouses may agree in writing that their community property will pass to the surviving spouse at the first death, without probate. This agreement creates that right of survivorship.

1. **Both spouses sign**
   This agreement must be in writing and signed by **both spouses**.
2. **Choose the property (Page 1)**
   Apply it to all of your community property, or list the specific community property it covers.
3. **Sign before a notary (Page 2)**
   Each spouse signs before the notary with a current, government-issued photo ID. Notarizing allows the agreement to be recorded and makes it far easier for the survivor to prove later.

After It's Signed

- Keep the original in a safe place. If it covers Texas real estate, consider recording it with the county clerk.
- After the first spouse's death, the survivor may ask a probate court to adjudicate the agreement, or present it with a death certificate to banks and title companies.
- The agreement can be revoked as it provides, or by a later written agreement of both spouses.

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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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COMMUNITY PROPERTY SURVIVORSHIP AGREEMENT

(Texas Estates Code Chapter 112, Subchapter B)

This agreement is made between the following spouses, who are married to each other and reside in Texas:

Spouse 1 full name

Spouse 2 full name

Residence address, city, county

1. Agreement. We agree that the community property described below, together with all revenue from and increases in that property, shall be held with right of survivorship. On the death of either of us, the property shall pass to and vest in the surviving spouse, without the need for administration.

2. Property covered (check one):

All of our community property, now owned or later acquired, wherever located.

Only the following community property:

Describe property (for real property include county and legal description)

3. Revocation. This agreement may be revoked by a written instrument signed by both spouses, or by either spouse by a written instrument delivered to the other spouse, as permitted by Texas law.

4. Acknowledgment. Each of us understands that this agreement may cause our community property to pass outside our wills, and that we may wish to obtain legal advice.

Initials: _____

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Date

X

Spouse 1

Printed name

X

Spouse 2

Printed name

NOTARY ACKNOWLEDGMENT

STATE OF TEXAS §

COUNTY OF §

This instrument was acknowledged before me on

Date

by (name of both spouses)

X

Notary Public, State of Texas

Notary's printed name

Notary ID number

My commission expires

(Notary seal)

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