

# How a Surviving Co-Owner Avoids Probate of Real Property in California

*For a surviving co-owner to avoid probate, two requirements must be met.*

HUNTINGTON BEACH, CA, UNITED STATES, October 23, 2020

/EINPresswire.com/ -- Probate is a set of rules under California law that direct how real property transfers from a decedent to heirs. Probate requires two hearings and three court orders. Time involved is a minimum of one year. Probate is costly. [Deed and Record](#), located in Orange County, California, provides an alternative to probate.



Does a co-owner have the right of survivorship?

For a surviving co-owner to avoid probate, two requirements must be met. The survivor's name and specific wording must appear on the last transfer deed. Specific wording creates the right of survivorship. The right of survivorship automatically transfers the deceased owner's interest to the surviving owner.

“

For a surviving co-owner to avoid probate, two requirements must be met. The survivor's name and specific wording must appear on the last transfer deed”

*Mark W. Bidwell*

Very specific phrases on the deed are needed for the right to exist. The phrases are either “as [joint tenants](#)” or “in joint tenancy.” If either of these phrases is missing, the deceased's interest passes not to the co-owner, but the decedent's heirs through probate.

Even though the survivorship right is automatic, the public record is not automatically updated. For the survivor to sell or borrow on the real property, an “[affidavit of death of joint tenant](#)” must be submitted to the county recorder by the survivor. If there is only one survivor as is most often the situation, the survivor owns as an individual. If no other actions is taken, on the death of the survivor an action in probate court is required.

The phrases “as joint tenants” or “in joint tenancy” create the right of survivorship. The right of

survivorship automatically transfers the deceased owner's interest to the surviving owner. An "affidavit death of joint tenant" is submitted to the county recorder by the survivor to update the public record.

This press release is provided by Mark W. Bidwell, an attorney licensed to practice in California. Office is located at 4952 Warner Avenue, Suite 235, Huntington Beach, CA 92649. Telephone is 714-846-2888. Website is [www.deedandrecord.com](http://www.deedandrecord.com).

Mark Bidwell

+1 949-294-6318

[email us here](#)

Deed and Record

Visit us on social media:

[Facebook](#)

[LinkedIn](#)

---

This press release can be viewed online at: <https://www.einpresswire.com/article/529029269>

EIN Presswire's priority is source transparency. We do not allow opaque clients, and our editors try to be careful about weeding out false and misleading content. As a user, if you see something we have missed, please do bring it to our attention. Your help is welcome. EIN Presswire, Everyone's Internet News Presswire™, tries to define some of the boundaries that are reasonable in today's world. Please see our Editorial Guidelines for more information.

© 1995-2021 IPD Group, Inc. All Right Reserved.