

How a Surviving Spouse Takes Control of Real Property in California

Affidavits and probate petitions for California real property and real estate due to the death of one spouse by Deed and Record.

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Couples who own real property in California as joint tenants, or community property with right of survivorship avoid probate on the death of the first spouse. These forms of title allow for surviving spouse to take control by filing an [affidavit of death](#) with the county recorder. [Deed and Record](#) provides non-probate transfers of real property by an affidavit of death.

The probate problem remains on the death of the second spouse. To avoid probate on the death of the second spouse a trust is needed. Deed and Record has expanded service from just preparing deeds for existing trusts to creating the trust.

An affidavit of death will not work for California real property owned solely by one spouse. Transfers to the surviving spouse require a court order. Court orders are obtained either by spousal petition or by a petition for probate administration.

An affidavit of death is needed on the death of the first spouse for real property held in joint tenancy or as community property with the right of survivorship. California real property owned by one spouse requires a [probate court petition](#).

Deed and Record is a website sponsored by Mark W. Bidwell, a licensed California attorney. This website is used to market services to add or remove a spouse as an owner of real property in California. Office is at 4952 Warner Avenue, Huntington Beach, CA 92649. Phone is 714-846-



Affidavit if death for deceased spouse of California real property held in joint tenancy or as community property with the right of survivorship

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