

**PURPOSE AND REQUIREMENTS FOR
AFFIDAVIT OF SURVIVING SPOUSE OF TESTATE DECEDENT
(Will Exists and Probate not Commenced)**

This Affidavit is for use in Ada County only; if the property is in another county please consult that county's Assessor's Office for local requirements.

- **Purpose**

- Idaho Code § 63-306 requires the Ada County Assessor's Office to keep track of record property ownership in Ada County. This affidavit, prepared by the Ada County Prosecutor's Office, is to be used to make of record the information the Ada County Assessor's Office needs to remove a deceased spouse from its ownership records.

- **Requirements**

- The surviving spouse and the decedent must be in community property ownership of the property as established in the records of the Ada County Recorder's Office. If the surviving spouse is not a deeded owner of the property proof of community property ownership must be of record or provided to our office.
- The affidavit must be completed in its entirety by the surviving spouse, the surviving spouse's court appointed representative or a child of the deceased. This includes a notarized signature for the affiant and a legal description(s) of the property the affidavit is intended to change the ownership of.
- A certified original death certificate from the Idaho Bureau of Vital Records and Health Statistics, or from an equivalent agency in the state where the death occurred, must be recorded either with the affidavit or separately.
- The affidavit must be recorded with the Ada County Recorder's Office. Please call the Recorders office @ 287-6840 for more information.

The Ada County Assessor's Office recommends you seek advice from a licensed attorney before signing and recording this Affidavit in the Ada County Recorder's Office.

- **After recording**

- The information provided on the Affidavit and the attached document(s) will be evaluated by the Ada County Assessor's Office. Recording the Affidavit does not guarantee that the Assessor's Office's ownership records will be changed. The Assessor's Office reserves the right to request additional information.
- If the property in question has a homeowner's exemption the surviving spouse may receive an information update request in the mail. Please complete the form and return it to the Ada County Assessor's Office via mail or fax to avoid any interruption in the homeowner's exemption.

AFFIDAVIT OF SURVIVING SPOUSE OF TESTATE DECEDENT

STATE OF IDAHO)
) SS.
COUNTY OF ADA)

I, _____, being first sworn, deposes

and says:

1. **That** _____, the Decedent, died on the ____ day of _____, 20____, in _____ County, State of _____.

A true and correct copy of the death certificate is attached hereto.

2. **That** the Decedent died more than three years ago, leaving a last will and testament, and the Decedent’s will was not probated in any court.

3. **That** Decedent and I were married on the _____ day of _____, _____, and remained married until the time of death.

4. **That** the below-described property was community property at the time of death:

_____.

5. **That** I am currently named as the property owner along with my deceased spouse.

