Affidavit of Homestead Transfer

AFFIDAVIT OF SURVIVING SPOUSE PURSUANT TO SECTION 45-3-1205, NMSA 1978

The undersigned, _____, (name of surviving spouse, hereinafter "affiant") being first duly sworn, deposes and states that:

1. Six months have elapsed since the death of _____ (name of deceased spouse, hereinafter "decedent") as shown in the certified copy of the death certificate attached hereto.
2. At the time of death of the decedent, affiant and decedent were married and owned their homestead described as: *(insert legal description of home here)*

   as community property.
3. A copy of the deed with the legal description of the homestead is attached hereto.
4. But for the homestead, the decedent's estate is not subject to any judicial probate proceedings in any court.
5. No application or petition for appointment of a personal representative or for admittance of a will to probate is pending or has been granted in any jurisdiction.
6. Funeral expenses, expenses of last illness and all unsecured debts of the decedent have been paid.
7. The affiant is the surviving spouse of the decedent and is entitled to title to the homestead by intestate succession or by devise (if devised under a valid last will of decedent, the original will is attached to the affidavit).
8. No other person has a right to the interest of the decedent in the described property.
9. No federal or state tax is due on the decedent's estate.
10. The property was the homestead of decedent and affiant as defined in Section 45-3-1205 NMSA 1978 and is assessed for property tax purposes for not more than $100,000.

All of which affiant affirms to be true and correct and further acknowledges that any false statement herein may subject affiant to penalties relating to perjury or subornation of perjury.

Dated: _____ _____

Affiant's Signature

A C K N O W L E D G E M E N T

STATE OF NEW MEXICO)
)ss.
COUNTY OF)

This instrument was subscribed, sworn to and acknowledged before me this _____ day of

_____, 200__, by _____, Affiant.

_____

NOTARY PUBLIC

My commission expires: