



CALIFORNIA GENERAL AFFIDAVIT & GUIDE

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Sample California General Affidavit

1. Overview

An affidavit is a sworn written statement that can be used in a number of important ways. It can be used in connection with filing or responding to a motion in court. It can also be used to give assurances to other parties in non-court transactions (for example, promising a buyer that you are the owner of a particular piece of property). It may be required by creditors on loan documents.

A well-drafted affidavit can provide clarity to a court or certainty to a business transaction. Although no document can ensure litigation success or insulate you from later lawsuits or claims, a clear affidavit can strengthen your case and your defenses. This packet is designed to help you create a document that will work for you and your business, but it too is just a starting point. Consider how your document will be used and how you can alter it to suit your needs.

2. Dos & Don'ts Checklist

- What you should write depends on what the affidavit is meant to do. If you are filing the document in court, this is your chance to list the facts that will convince the judge to rule in your favor. If you are using this to provide assurance to another party to your deal, include data about your financial condition or creditworthiness.
- Be concise. Although it may be tempting to tell your story in exhausting detail, and you may think that more information will work in your favor, this approach may in fact have the opposite effect. Judges, clerks, commissioners, and other court staff don't have time to read long affidavits. In fact, many states and counties have limits on the number of pages you can file.
- Write only about what you know or what you have seen. Do not include information that you have heard about or that you assume to be true. The language of the affidavit states that you are providing the information on your "personal knowledge" and this should be the standard that you use.
- Tell the truth. This may seem obvious, but bears repeating because the consequences of misrepresentation are severe. Lying or skewing the truth in your affidavit carries the same consequences as lying in court: charges of perjury may be brought against you. In some cases, this can result in heavy fines and up to four years of jail time.
- If you are filing your affidavit in court, be sure to copy the "caption" from your other papers onto the top. The caption is the top part of your motion or other pleading that includes the names of the parties, the court, the title of the document, and other case-specific information. There may be other rules in your city and county that govern the formatting of filed affidavits, and you should review those before submitting your document to the court.
- Sometimes documents called "declarations" are used instead of affidavits. A declaration is quite similar to an affidavit but is not signed in front of a notary public. Notarization is what makes an affidavit an affidavit.

3. California General Affidavit Instructions

The following instructions will help you understand the terms of your sample California general affidavit. The first numbers below correspond to numbers in the affidavit, and the other comments should be applied generally to your document. Please review the entire affidavit before starting your step-by-step process.

1. Use the bracketed language only if the affidavit is being signed outside of the state of California. If the document is being signed in California, delete this phrase.
2. Enter the date on which the affidavit was signed, and city and state in which that signing occurred.
 - Write your affidavit using the first person. In other words, use “I” statements (e.g., “I am the President of XYZ, Inc.”).
 - The sections of your affidavit should continue the numbering that began with the first two introductory sentences.
 - Your early paragraphs should provide background information about you. Include your full name, address, age, occupation, and other identifying information.
 - Each separate line of the document should provide a separate fact or statement.
 - There are a number of ways to organize an affidavit, and you should choose the manner that works best for your situation. Some common methods are chronological (working your way towards the present day) and in order of importance (highlighting the most important things first and leaving the rest for the end).
 - **Do not sign the document until you are in the presence of a notary public.** This is an essential element of the affidavit. You must bring a photo I.D. with you to the notary’s office.
 - The enclosed document includes both a “jurat” and an “acknowledgment” at the end of it.
 - In California, the jurat is used when the notary is swearing about the content of the document. This means that the person signing the document took an oath or gave an affirmation in front of the notary that the information in the document was truthful. This is almost always required for documents filed in a court. Note, however, that jurat notarizations do not prove that a document is true, legal, valid, or enforceable.
 - The acknowledgment is used to confirm that the person signing the document is who he says he is. There is no promise made about the truthfulness of the information provided. In California, acknowledgments tend to be used for deeds or other documents that are publicly recorded.

Choose either the jurat or the acknowledgment, but not both. Delete the one that you do not use.

- The language used in the jurat and the acknowledgment must be provided exactly as set forth in the form. Notaries may refuse to sign a document that does not include the language as written.
- Complete the top part of the affidavit before bringing it to the notary’s office. Notaries are not allowed to sign incomplete documents. Do not sign the document and (except for putting your name in place of all references to “[Your Name]”) do not enter any information into the jurat or the acknowledgment.

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Form Sample

CALIFORNIA GENERAL AFFIDAVIT

State of California
County of _____

I, the undersigned, do hereby swear, certify, and affirm that:

1. I am over the age of 18 and am a resident of the State of _____.
I have personal knowledge of the facts herein, and, if called as a witness, could testify competently thereto.
2. [INSERT FACTS]
3. [INSERT FACTS] etc.

I declare under penalty of perjury [1 under the laws of the State of California] that the foregoing is true and correct.

Executed this _____ day of _____, 20____ in
_____. 2