TAYLORD REAL ESTATE

THE SACRAMENTO

SELLER GUIDE

for Probate & Inherited Property

Clear direction for families responsible for an inherited home



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Educational information only. Not legal, tax, accounting, insurance, or financial advice.

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This expanded consumer edition explains not only how a probate property may be sold, but also what happens before the listing, while escrow is open, and after the home has closed.

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My goal is to help you understand the property, the authority, the timeline, and the sale options before you make a real estate decision.

1. Welcome and Purpose of This Guide

When a loved one passes away, the home can become one of the largest and most emotional decisions the family must handle. There may be grief, bills, court deadlines, occupancy questions, repairs, belongings, title issues, and uncertainty about whether the property should be kept, rented, sold as-is, or prepared for the open market.

This guide focuses on the real estate side of the process. It is designed to help you ask better questions, recognize decisions that require legal or tax advice, and understand what may happen before, during, and after a property sale.

> *You do not need to understand every probate rule before you begin. You do need to know who has authority, how title is held, what the property needs, and which professionals should be involved.*

2. Probate in Plain English

Probate is the court-supervised process used to administer a deceased person's estate when assets do not transfer automatically through a trust, title, beneficiary designation, or another legally available procedure. The personal representative collects and protects estate assets, addresses valid debts and expenses, and ultimately distributes what remains to the people legally entitled to receive it.

A will does not automatically avoid probate, and being named as executor in a will does not by itself create authority to sell a home. If formal probate is required, a judge appoints the personal representative and the court issues documents showing that authority.



3. Start With Title: Does the Home Need Probate?

One of the first useful questions is: How is the property currently held on title? The answer often determines which legal path must be considered.

What title or facts may show	What it may mean
Home properly titled in a living trust	The property may be handled through trust administration rather than formal probate, if trustee authority is properly documented.
Joint tenancy or another survivorship form	Ownership may pass to the surviving owner outside formal probate, subject to title and legal requirements.
Home titled only in the decedent's name	Formal probate or another court procedure may be required before the property can be transferred or sold.
Tenants in common	The decedent's share does not automatically pass to the co-owner and may require probate or another legal procedure.
Family says the home was meant to be in the trust, but title is not in the trust	A probate or trust attorney should review whether a court petition may be available to confirm trust ownership.

California also has simplified procedures in some cases

For deaths on or after April 1, 2025, California provides a simplified court petition that may be available for a decedent's California primary residence valued at $750,000 or less, if all legal requirements are met. Separate small-estate procedures also exist for personal property and very low-value real property. Eligibility depends on the date of death, the type of asset, title, value, and other facts.

Do not assume that "there is a trust" or "there is a will" answers the question. Confirm the current deed and ask qualified counsel what transfer procedure applies.

4. Who Does What in a Probate or Trust Sale?

Families often feel that everyone is handling the same problem. In reality, each professional has a different role. Knowing who is responsible for what can prevent confusion and delays.

Person or professional	Main responsibility
Personal Representative	The court-appointed executor or administrator who manages the probate estate, protects assets, signs authorized documents, and follows court requirements.
Successor Trustee	The person who manages trust-owned property under the trust document and applicable law.
Probate or Trust Attorney	Advises on legal authority, court procedures, notices, petitions, creditor issues, disputes, and legal requirements for the sale.
Probate Referee	A court-appointed appraiser who values certain probate assets for the Inventory and Appraisal.
Escrow and Title	Handle the transfer of money and title, identify title requirements, clear approved liens and demands, and collect documents needed to close.
Real Estate Broker / Agent	Evaluates the property and market, explains sale choices, coordinates preparation and marketing, manages offers, and helps keep the real estate transaction organized.

The real estate professional should coordinate the property transaction, but legal authority, beneficiary rights, court procedures, tax advice, and estate distributions belong with the appropriate attorney, CPA, court, or other professional.

5. California Probate Roadmap: Three Main Phases

California Courts describes formal probate as a process that typically takes about 9 to 18 months and can take longer. A useful way to understand it is in three broad phases.

Phase	What is happening	What it means for the home
1. Open the case and appoint the personal representative	Petition, required notice, hearing, appointment, bond if required, and issuance of authority documents.	The family can plan and protect the property, but the ability to sign and sell depends on legal authority.
2. Administer the estate	Assets are identified and valued, creditors are addressed, taxes and expenses are handled, and property may be managed or sold.	This is usually the main real estate phase. The home may be prepared, listed, sold, and escrow may close when legal requirements are satisfied.
3. Close the estate and distribute	The personal representative reports to the court, resolves remaining matters, seeks approval for distribution, and distributes the remaining estate.	A home sale can be finished before probate itself is finished. Heirs may still need to wait for court-authorized distribution.

Why probate can feel slow even when everyone is working

- Court calendars and processing times vary by county.
- Required notices and creditor procedures take time.
- Missing documents, objections, title problems, bond issues, or family disputes can create delays.
- A sale and the final distribution of inheritance are separate events.

A realistic timeline reduces pressure to make rushed property decisions. Ask what can be prepared now, even while the legal process is still moving forward.

6. Before the Home Can Be Listed: Authority and Court Documents

If formal probate is required, the person named in a will or the family member helping with the estate does not automatically have authority to sell. The court must appoint the personal representative, and that authority must be documented.

What may be happening before you can list

- A petition is filed to open the probate case.
- Heirs and certain beneficiaries receive required notice, and publication may also be required.
- The court holds a hearing on the appointment.
- If the judge approves the appointment, an Order for Probate is entered.
- The court issues Letters (DE-150), which are used to prove that the personal representative has been officially appointed.
- If a bond is required, it may need to be posted before Letters can be issued.

Two documents families often hear about

Order for Probate	Letters (DE-150)
• Confirms the court approved the appointment. • May state bond requirements and the level of independent authority granted.	• Used to prove the personal representative is officially appointed. • Shows whether the representative has full or limited authority under the Independent Administration of Estates Act (IAEA).

Useful waiting-time work: secure the property, gather documents, review condition, request market information, talk through sale options, and identify vendors. Do not sign or market the property as if authority already exists.

7. Executor and Administrator Checklist

Use this checklist to organize the real estate side of the estate. Review legal questions with probate counsel before acting.

Authority and documents

- ☐ Locate the will, trust, deed, death certificate, mortgage statement, title information, and court documents.
- ☐ Confirm whether formal probate or another procedure is required.
- ☐ Confirm who has authority to act and obtain copies of Letters or other orders when applicable.
- ☐ Ask whether authority is full, limited, or otherwise restricted.

Property and cash-flow protection

- ☐ Confirm who is occupying the property and whether anyone has tenant or other legal rights.
- ☐ Verify insurance and vacancy requirements.
- ☐ Keep necessary utilities, taxes, HOA obligations, mortgage payments, and property services organized.
- ☐ Protect valuables, mail, records, photos, keys, and access devices.

Sale readiness

- ☐ Request a current market-value and condition review.
- ☐ Compare as-is, targeted repair, full preparation, keep, or rent options.
- ☐ Get vendor estimates only after authority, budget, and strategy are clear.
- ☐ Keep records of estimates, approvals, invoices, and major decisions.

The personal representative is managing someone else's estate. Clear records and documented decisions can reduce confusion and help the attorney, court, tax professional, and beneficiaries understand what happened.

8. Successor Trustee Guide

Trust administration and probate are not the same. A successor trustee manages assets held in a trust and follows the trust document, applicable law, and professional guidance.

Confirm before listing

- Is the property actually titled in the trust?
- Who is the acting successor trustee?
- Are there co-trustees or joint-signature requirements?
- Can title verify the trustee's authority?
- Does counsel need to review beneficiary notices or other sale requirements?

If something does not match

- The trust document is missing.
- The deed still shows the decedent individually.
- The property was removed from the trust for a refinance and was never retitled.
- The named trustee is unavailable, deceased, unwilling, or disputed.
- The trust terms or signing authority are unclear.

If the property was intended for the trust but left out

An attorney may evaluate whether a court petition can be used to confirm that the property belongs to the trust instead of requiring a full probate. This is highly fact-specific and should not be assumed from family recollection alone.

For a trust sale, start with the most recent deed and proof of trustee authority. "We have a trust" is not enough if title and the trust documents do not line up.

9. First 72 Hours: Secure and Stabilize the Property

A vacant or partially occupied home can quickly develop insurance, safety, vandalism, water, pest, or access problems. Early documentation also reduces later disagreements about condition and personal property.

- ☐ Do an exterior and interior safety review if access is authorized.
- ☐ Confirm who is living in the home and do not remove an occupant or change locks without confirming legal rights and authority.
- ☐ Secure keys, gates, garage remotes, alarm information, and access codes.
- ☐ Contact the insurance professional promptly about the death, vacancy, and occupancy status.
- ☐ Keep necessary utilities active for safety, climate control, inspections, and repairs.
- ☐ Address obvious water, electrical, fire, pest, and trip hazards.
- ☐ Photograph the property and significant contents before moving, donating, selling, or discarding items.
- ☐ Forward urgent notices - including foreclosure, reverse-mortgage, tax, HOA, insurance, or code-enforcement notices - to the appropriate attorney or professional right away.



Do not rush the clean-out. Important documents, valuables, sentimental items, and property that belongs to someone else may be mixed in with ordinary household contents.

10. Preparing the Property and Choosing a Sale Strategy

Probate and inherited homes often contain years of belongings and deferred maintenance. The goal is not to make every home perfect. The goal is to choose the preparation level that makes financial and practical sense.



Step	Decision
1. Stabilize	Make the property safe, secure, insurable, and accessible.
2. Sort	Identify what must be preserved, returned, appraised, sold, donated, or discarded.
3. Evaluate	Review cleaning, landscaping, repairs, pests, deferred maintenance, and presentation.
4. Compare	Estimate likely net proceeds and timing for as-is versus targeted improvement strategies.
5. Launch	Prepare photography, disclosures, showings, marketing, offer review, and escrow.

Common sale choices

Option	Best when	Trade-off
Sell As-Is on MLS	The estate wants broad market exposure without major repairs.	Buyers may discount for condition; disclosures and inspections still matter.
Targeted Repairs + List	Limited improvements are likely to improve marketability or net proceeds.	Requires cash, coordination, approvals, and time.

Investor / Cash Offer	Speed, simplicity, or heavy repairs are the priority.	Price may be lower than a well-exposed open-market sale.
Keep or Rent	Beneficiaries agree and legal, financing, tax, insurance, and management issues are workable.	Creates ongoing management, tax, maintenance, and family responsibilities.

Compare net proceeds, timing, workload, risk, authority, and family goals - not just the proposed sale price.

11. Selling Authority, Court Confirmation, and Appraisals

Two probate sales can look very different depending on the authority granted to the personal representative. The court documents and attorney should confirm which procedures apply.

Full IAEA authority

- A real property sale may often proceed without a separate court-confirmation hearing.
- A Notice of Proposed Action may be required before the sale is completed.
- An objection can change the path and may require court involvement.

Limited IAEA authority

- The representative does not have independent authority to sell real property.
- Court confirmation procedures may apply.
- Pricing, deposit, hearing, and possible overbid rules may affect the buyer and timeline.

Three different "values" may appear in the same transaction

Type	Purpose
Real estate market analysis / CMA	Helps the representative understand current buyer demand, likely market range, condition, and sale strategy.
Probate Referee appraisal / Inventory & Appraisal	Values probate assets for court administration, generally using date-of-death values. It is not the same thing as a marketing price opinion.
Buyer lender appraisal	If the buyer is financing, the lender may order a separate appraisal for the buyer's loan.

In court-supervised sales, California probate rules may impose minimum-price, deposit, hearing, and overbid requirements. These rules are technical and should be confirmed with probate counsel before an offer is structured or accepted.



A market value, a probate referee value, and a lender appraisal can all be different because they are created for different purposes and at different points in time.

12. After Escrow Closes: Where the Money Goes

One of the most common surprises for heirs is that selling the home does not automatically mean the inheritance is ready to be distributed.

At the real estate closing

- The buyer receives title after escrow satisfies the closing requirements.
- Approved mortgage payoffs, taxes, liens, title, escrow, and other transaction costs are handled through closing.
- Net sale proceeds generally become estate funds rather than being divided immediately among heirs.

What may continue after the home is sold

- The estate may need a separate EIN (tax ID) and an estate bank account so estate funds are kept separate from the representative's personal money.
- The personal representative continues addressing creditor claims, expenses, taxes, records, and other assets.
- A final report or accounting may be required before the court authorizes distribution.
- The signed distribution order controls when and how remaining estate assets are distributed.
- Court approval at a hearing and actual receipt of funds may not happen on the same day because the written order still must be processed.

The home can be sold months before heirs receive their inheritance. That is not necessarily a problem with the real estate transaction; it may be part of the remaining probate administration.

13. Common Complications and When to Move Quickly

Many delays are easier to manage when they are identified before the property is under contract. Raise these issues early with the attorney, title company, lender, insurance professional, or other appropriate expert.

Red flag	Why it matters / next step
Old liens, unreleased loans, missing deeds, vesting errors, unpaid HOA items	Order title information early and involve title and counsel before a buyer is waiting to close.
Relative or tenant living in the property	Occupancy rights can affect access, clean-out, showings, possession, and closing. Do not assume the occupant can simply be removed.
Reverse mortgage	The loan can create time-sensitive payoff and lender requirements after death. Send lender notices to counsel and begin planning promptly.
Notice of Default or trustee sale	Foreclosure deadlines can continue while probate issues are being addressed. Get legal advice immediately and track all dates.
No or very little equity	A short sale or other lender approval may be required. Do not make commitments before counsel and the lender strategy are clear.
Heirs disagree on price, timing, occupants, repairs, or personal property	The personal representative and attorney should manage authority and legal disputes. Keep the real estate process factual and documented.
Personal representative lives out of state	Plan for signatures, access, mail, vendors, time zones, and property management so logistics do not become avoidable delays.

If you see a foreclosure notice, reverse-mortgage demand, title problem, occupancy conflict, or missing trust document, treat it as an early-warning issue - not something to solve after an offer is accepted.

14. Tax-Aware Questions for Inherited Property

Real estate decisions can create tax consequences, but a real estate broker is not a substitute for a CPA, tax attorney, or county assessor. The goal is to recognize the questions before the family makes an irreversible decision.

Income-tax basis of inherited property

Federal tax rules generally give inherited property a basis tied to fair market value at the date of death, subject to exceptions and estate-specific elections. This is often called a "step-up in basis." Because gain is measured from the applicable basis, families should not assume that decades of appreciation automatically become taxable gain when an inherited home is sold.

California property tax is a separate issue

Proposition 19 changed California's parent-child and grandparent-grandchild property-tax exclusions. The current exclusion is generally limited to a qualifying family home or family farm and has occupancy, value, and filing requirements. Whether to keep an inherited home should be evaluated with the county assessor and tax advisor, not based on assumptions about keeping the prior owner's property-tax bill.

Other items to raise with the tax or legal professional

- The decedent's final individual income-tax return may still need to be filed.
- An estate income-tax return may be required if the estate has reportable income.
- The closing statement, repair invoices, and other records may be important for tax reporting.
- If the decedent received Medi-Cal benefits, estate-recovery rules may need to be reviewed. For deaths on or after January 1, 2017, California limits recovery to certain benefits and probate assets, subject to exemptions and other rules.

Ask the CPA or attorney about tax consequences before deciding to keep, rent, improve, distribute, or sell the property.

15. Frequently Asked Questions

Question	Consumer-friendly answer
Can the home be sold during probate?	Often, yes. The timing and procedure depend on the representative's authority, required notices, estate facts, and whether court confirmation is needed.
Can we list because the will names me executor?	Not necessarily. If formal probate is required, being named in a will does not by itself prove current authority. Confirm the court appointment and Letters.
Should we clean out the whole house first?	Not always. Preserve documents and important belongings, stabilize the property, then compare the cost and likely return of additional work.
Why is the probate referee value different from the market value?	The referee appraisal and a current real estate market analysis serve different purposes and may use different valuation dates.
When do heirs get the money from the home sale?	Usually not at the real estate closing. Sale proceeds may remain estate funds until remaining administration requirements and court-authorized distribution are completed.
Can one heir stop the sale?	An objection can delay or complicate a sale. The effect depends on authority, notices, court orders, and beneficiary rights. Ask probate counsel.
What if the home is in a trust?	Start with the deed and trustee authority. A properly funded trust may avoid formal probate for that property, but missing documents or title mismatches may require legal review.
Can Diane help if I live outside California?	Yes. After authority is confirmed, local coordination can include access, condition documentation, vendors, preparation, marketing, offers, and escrow communication.

When a question turns into "Who has legal power?" "Who inherits?" "Can we evict?" "What tax will we owe?" or "Can the court approve this?" - that is the point to involve the appropriate attorney, CPA, assessor, or other professional.

16. Questions to Ask the Probate or Trust Attorney

Bring these questions to the attorney early. Clear answers help the real estate plan match the legal process.

- ☐ Is formal probate required for this property, or is another transfer procedure available?
- ☐ Who currently has authority to sign a listing agreement, disclosures, escrow instructions, and sale documents?
- ☐ Have the Order for Probate and Letters been issued?
- ☐ Does the personal representative have full or limited IAEA authority?
- ☐ Is a Notice of Proposed Action required for this sale?
- ☐ Will court confirmation be required?
- ☐ Does the probate referee appraisal affect the pricing or sale procedure?
- ☐ Are there beneficiary objections, creditor issues, occupancy rights, title problems, or bond requirements that may affect timing?
- ☐ If the property was intended to be in a trust but title does not show the trust, what legal review is needed?
- ☐ Are there tax, Medi-Cal estate recovery, reverse mortgage, foreclosure, or distribution issues that should be addressed before escrow closes?

A clear legal roadmap before marketing can prevent a strong real estate offer from becoming a weak transaction later.

17. Quick Glossary of Probate and Trust Terms

Administrator	A court-appointed personal representative when there is no executor able to serve under a will.
Beneficiary	A person or entity entitled to receive property under a will, trust, insurance policy, account designation, or other arrangement.
Decedent	The person who died.
Estate	The property and financial interests left by the decedent that must be administered or transferred.
Executor	The person nominated in a will and appointed by the court to serve as personal representative.
IAEA	Independent Administration of Estates Act. It can give a personal representative full or limited authority to take certain actions without prior court approval.
Inventory & Appraisal	A probate filing listing estate assets and values. Certain assets are appraised by a probate referee.
Letters	Court-issued proof that a personal representative has been officially appointed and showing the authority granted.
Notice of Proposed Action	A probate notice used for certain actions taken under independent administration, including some real property sales.
Personal Representative	The court-appointed executor or administrator responsible for managing the probate estate.
Probate Referee	A court-appointed appraiser who values certain probate estate assets.
Successor Trustee	The person who takes over management of trust assets when the prior trustee can no longer serve.
Final Accounting / Final Report	The estate's report to the court showing assets, receipts, expenses, and administration before final distribution when required.
Court Confirmation	A court hearing and approval process required for certain probate real property sales.

You are not expected to become a probate lawyer. Knowing the vocabulary makes it easier to understand what your attorney, court, escrow, title company, and real estate professional are discussing.

18. Diane Taylor Probate Support and Next Steps

My role is to make the real estate side of an inherited, probate, or trust-owned property more organized, more informed, and less overwhelming while staying in the appropriate real estate lane.

How I can help

- Probate and inherited-property consultation.
- Current market-value and condition review.
- Property access and condition documentation.
- As-is versus improvement strategy and likely-net-proceeds comparison.
- Clean-out, estate-sale, cleaning, landscaping, and repair coordination.
- MLS preparation, photography, marketing, offer review, and escrow coordination.
- Communication with attorney, escrow, title, vendors, and authorized decision-makers.

Bring to a consultation if available

- Property address and occupancy status.
- Most recent deed or preliminary title information.
- Will, trust, trustee certification, Letters, or other authority documents.
- Mortgage, reverse-mortgage, HOA, tax, insurance, or foreclosure notices.
- Photos and known repair concerns.
- Attorney, CPA, lender, and other key contact information.



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Schedule a Free Probate Property Consultation

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Important: This guide provides general real estate education. Every estate, trust, title, tax situation, court order, and family circumstance is different. Consult qualified California legal, tax, insurance, title, and financial professionals before acting.

Source review for this September 2026 consumer edition

Consumer topics were expanded after a page-by-page review of the client-supplied Probate & Trust Sales in California agent guide. Legal and tax-sensitive points in this edition were also cross-checked against California Courts Self-Help and Judicial Council probate materials, the California Board of Equalization Proposition 19 guidance, IRS Publication 559, and California DHCS Estate Recovery information.

Tayloring Your Real Estate Needs