



THE SACRAMENTO

SELLER'S GUIDE

for Probate & Inherited Property

Clear direction for families responsible for an inherited home



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General education. Consult qualified professionals for legal, tax, insurance, and financial advice.

CONTENTS

Find the answers you need

Start with the deed and the authority to act. Then work through the property decisions at a pace that fits the estate and your family.

Welcome and probate in plain English	3
Does the home need probate?	4
Who does what?	5
The probate roadmap	6
Authority and court documents	7
Executor and administrator checklist	8
Successor trustee guide	9
Secure and stabilize the property	10
Prepare the home thoughtfully	11
Compare your sale choices	12
Selling authority and court confirmation	13
Appraisals and pricing	14
After closing: where the money goes	15
Complications that need early attention	16
Inherited-property tax questions	17
Frequently asked questions	18
Questions for the attorney	19
Quick glossary	20
Work with Diane: your next step	21
Sources and useful resources	22

Need a starting point? Read pages 4, 7, and 10 first. Those pages help you identify the legal path, confirm the signer, and protect the property.

WELCOME AND PURPOSE

You do not have to figure it out alone

An inherited home can bring grief, responsibility, and difficult decisions at the same time. You may be sorting belongings, paying bills, answering family questions, and wondering whether to keep, rent, or sell the property.

My goal is to help you understand the real estate choices before you spend money or make commitments. This guide is for heirs, executors, administrators, and successor trustees handling a Sacramento-area home.

Probate in plain English

Probate is a court process for administering a deceased person's estate. The appointed representative protects assets, addresses valid debts and expenses, and distributes what remains under the applicable legal requirements.

Some assets transfer through a trust, survivorship ownership, or another procedure. A will alone does not avoid probate. Being named executor in a will does not, by itself, authorize you to sell the home. [1, 3]

Begin with four questions: How is title held? Who can act? What does the property need? Which decisions require your attorney or tax advisor?



START WITH TITLE

Does the home need probate?

Ask title and your attorney to review the recorded deed, ownership history, and estate documents. Family recollections are useful, but they do not establish ownership or signing authority.

What you find	What to review
Home titled in a trust	Confirm the acting trustee and the trust's sale powers. Trust administration may be the appropriate path.
Survivorship ownership	Title and counsel should confirm the surviving owner's interest and required documents.
Home in the decedent's name	Formal probate or a different transfer procedure may be needed.
Tenants in common	The deceased owner's share does not automatically pass to the other co-owner.
Trust exists, but deed is outside it	Ask counsel whether a petition to establish trust ownership is available.

A simplified primary-residence procedure

For a death on or after April 1, 2025, a court petition may transfer a qualifying California primary residence valued at \$750,000 or less. This is subject to eligibility, appraisal, notice, and other requirements. It does not automatically exempt every home below that amount from probate. [2]

Ask counsel which procedure applies before promising a listing or closing date. Other summary procedures have different asset limits and eligibility rules.

BUILD THE RIGHT TEAM

Who does what?

Clear responsibilities prevent missed tasks and duplicate work. Your real estate plan should fit the legal authority, title requirements, and financial needs of the estate.

Person or professional	Main responsibility
Personal representative	The court-appointed executor or administrator manages probate assets and signs within the authority granted.
Successor trustee	Manages trust assets under the trust document and applicable law.
Probate or trust attorney	Advises on authority, notices, petitions, creditor matters, disputes, and distribution.
Probate referee	Appraises certain estate assets for the Inventory and Appraisal and other qualifying procedures.
Title and escrow	Identify title requirements, coordinate authorized payoffs and funds, and complete the transfer.
CPA or tax advisor	Reviews basis, tax returns, sale reporting, and the tax effects of keeping or distributing property.
Real estate broker	Reviews condition and current market value; coordinates preparation, marketing, offers, and escrow.

Choose one authorized point of contact for property decisions. Agree on who receives updates and who approves spending.

THREE BROAD PHASES

The probate roadmap

Formal probate often takes about 9 to 18 months and may take longer. This is a broad statewide planning range, not a Sacramento case estimate or a promised deadline. [1]

Phase	What happens	Property decisions
1. Open the case	Petition, notice, hearing, appointment, bond if required, and issuance of Letters.	Gather information and protect the home through lawful, authorized access.
2. Administer	Identify and value assets; address claims, expenses, and taxes; manage or sell property.	Confirm sale authority, prepare the home, market it, and complete escrow requirements.
3. Distribute and close	Complete reporting and remaining administration; obtain required distribution approval.	The home may already be sold while the proceeds remain in the estate.

The sale and the estate have different timelines

A home can close before probate is finished. Listing preparation, buyer financing, title work, notices, court hearings, and estate distribution each have their own requirements.

- Ask counsel for the next legal milestone and what it depends on.
- Ask the broker which property tasks can be prepared now.
- Track objections, missing documents, title issues, and court deadlines in one place.

Plan around confirmed milestones. A strong offer cannot replace missing authority or a required court order.

COURT DOCUMENTS

Confirm authority before commitments

When formal probate is required, nomination in a will is not the same as court appointment. Review the Order for Probate and issued Letters before the representative signs a listing or sale agreement. Special appointments or restrictions require separate review. [3]

Document	What it helps establish
Order for Probate	The court's appointment, bond requirements, and any authority or restrictions in the order.
Letters (DE-150)	Court-issued evidence of the representative's appointment and the independent authority granted, if any.
Trust authority documents	For trust property, title may require a certification of trust, death certificate, and supporting authority documents.
Preliminary title report	Ownership, recorded liens, and title requirements that must be addressed for closing.

Useful work while the legal process moves forward

- Gather the deed, statements, notices, insurance information, and court documents.
- Document occupancy and property condition through authorized access.
- Request market information and compare possible sale strategies.
- Discuss vendors and budgets without making unauthorized commitments.

Ask the attorney and title company to identify the signer and any limits in writing. Do not market the home as ready to sell before authority is confirmed.

ORGANIZE THE PROPERTY SIDE

Executor and administrator checklist

Use this checklist with counsel. Keep legal deadlines in a separate calendar and keep estate funds and records separate from personal finances.

Authority and documents

- ☐ Locate the will, trust, deed, death certificate, loan statements, and court documents.
- ☐ Confirm the required transfer procedure and obtain issued Letters or other applicable orders.
- ☐ Identify full, limited, special, or restricted authority and required notices.

Property and cash flow

- ☐ Identify occupants and ask counsel about possession or tenancy rights.
- ☐ Confirm insurance coverage and vacancy requirements.
- ☐ Track taxes, HOA dues, utilities, loan payments, and essential services.
- ☐ Preserve valuables, records, photographs, keys, and access devices.

Sale readiness

- ☐ Request a current market and condition review.
- ☐ Compare as-is, limited repair, investor, keep, and rent options.
- ☐ Approve vendors only after authority, budget, and scope are clear.
- ☐ Retain estimates, invoices, approvals, and decision notes.

Keep a simple decision log: date, decision, person approving it, expected cost, and supporting document.

TRUST-OWNED PROPERTY

Successor trustee guide

A trust sale follows the trust document and applicable law. A trust does not, by itself, establish that this particular home belongs to the trust or that a particular person can sign.

Confirm before listing

- ☐ Does the current deed show trust ownership?
- ☐ Who is the acting trustee, and how did that person succeed to the role?
- ☐ Are there co-trustees, required joint signatures, or sale restrictions?
- ☐ Which authority documents does title require?
- ☐ What beneficiary notices, accounting duties, or other requirements does counsel identify?

Resolve mismatches early

A missing trust, an outdated deed, a refinance that changed title, or an unavailable or disputed trustee can delay a sale. Counsel may evaluate a court petition if property was intended for the trust but was never properly transferred. That option is fact-specific.

Trust proceeds should be handled under the trust and legal guidance. Closing escrow does not necessarily mean funds can immediately be divided among beneficiaries.

Start with the most recent deed and documented trustee authority. Ask title and counsel to resolve any mismatch before offers are accepted.



EARLY PROPERTY PROTECTION

Secure and stabilize the home

Treat the first days as a protection period. Act only within your authority and through lawful access. A vacant home can develop water, insurance, security, or maintenance problems quickly.

- ☐ Confirm occupants and their rights before changing locks, removing belongings, or requesting that anyone leave.
- ☐ Contact the insurer about the owner's death, occupancy, vacancy, and the expected sale or rental plan.
- ☐ Secure keys, remotes, gates, alarm details, and access codes when authorized.
- ☐ Keep necessary utilities and essential property services active.
- ☐ Document visible condition and significant contents before items are moved.
- ☐ Address urgent leaks, electrical hazards, fire risks, and other safety concerns with qualified help.
- ☐ Preserve mail and forward loan, foreclosure, HOA, tax, and code-enforcement notices promptly.

Do not rush the clean-out

Important papers, valuables, sentimental items, and property belonging to someone else can be mixed with ordinary household contents. Agree on a sorting and approval process before disposal begins.

A foreclosure or reverse-mortgage notice needs prompt professional attention. Do not assume probate pauses a lender's deadlines.

SPEND WHERE IT MAKES SENSE

Prepare the home thoughtfully

The goal is a practical sale plan that protects the estate's interests. A home needing repairs can still be marketed honestly and effectively. Extensive renovation is not always the best use of estate funds.



Step	Decision
Stabilize	Make the property safe, secure, and accessible within your authority.
Sort	Identify what to preserve, return, appraise, sell, donate, or discard.
Evaluate	Review cleaning, landscaping, repairs, pests, systems, and presentation.
Compare	Estimate net proceeds, carrying costs, time, and risk for each strategy.
Launch	Prepare disclosures, photography, showing arrangements, and offer review.

Get written estimates and approvals before work begins. Repairs should have a clear purpose, a realistic budget, and a documented decision-maker.

PRICE IS ONE PART OF THE DECISION

Compare your sale choices

Choice	Potential benefit	What to weigh
As-is on the open market	Broad exposure without major repairs.	Condition discounts, inspection requests, financing limits, and access.
Targeted repairs, then list	Selected work may improve presentation and marketability.	Upfront cost, approvals, time, workmanship, and uncertain return.
Investor or cash offer	May simplify a property with heavy repairs or a tight timeline.	Compare net proceeds, proof of funds, contingencies, assignment terms, and certainty.
Keep or rent	May meet a family's housing or long-term goals.	Authority, taxes, insurance, management, maintenance, financing, and family agreement.

Request a written comparison

- Likely price range and the evidence behind it.
- Loan and lien payoffs, selling expenses, preparation costs, and buyer credits.
- Carrying costs while preparing and marketing the home.
- Expected timing, contingencies, and requirements that could delay closing.

Compare the amount the estate is likely to keep, the time required, and the risk. A higher offer with uncertain financing may have a different value than a lower, more reliable offer.

COURT CONFIRMATION AND NOTICES

Selling authority changes the process

Full IAEA authority	Limited or no IAEA authority
A sale may proceed without a separate confirmation hearing, subject to legal requirements and restrictions.	Real-property sales generally require court supervision and confirmation.
A Notice of Proposed Action is generally required unless a legal exception, consent, or waiver applies. Counsel handles the notice process.	The contract, notice of sale, appraisal, hearing, and possible overbid process must fit the court-supervised procedure.
A timely objection can prevent the proposed action from proceeding independently. Counsel determines the next step.	An accepted offer may be conditional on confirmation and may be subject to a qualifying higher offer at the hearing.

Notice is a legal step, not a courtesy update

When required, the Notice of Proposed Action and attachments are generally mailed or personally delivered at least 15 days before the date stated for the proposed action. Counsel should confirm recipients, service, consents, waivers, and objections. Do not treat 15 days as a universal escrow deadline. [3]

The 90% appraisal floor belongs to certain court-confirmed private sales. It is not a blanket pricing rule for all probate, full-authority, or trust sales. See the appraisal discussion on page 14. [4; Probate Code §§10309, 10503]

DIFFERENT VALUES ANSWER DIFFERENT QUESTIONS

Appraisals and pricing

Value or appraisal	What it is for
Current market analysis	Recent comparable sales, active competition, condition, and buyer demand help establish a marketing range.
Inventory and Appraisal	A probate referee values certain estate assets, generally as of the date of death. This serves estate administration.
Sale-related reappraisal	A court-confirmed private sale may need an updated appraisal and valuation date to meet confirmation rules.
Buyer's lender appraisal	Supports the buyer's loan decision. It is separate from the estate appraisal and the broker's market analysis.

The 90% rule: use the right appraisal

For a private sale requiring court confirmation, Probate Code §10309 generally requires both the appraisal and its valuation date to be within one year before the confirmation hearing, and an offer of at least 90% of that appraised value, subject to statutory exceptions. An older date-of-death appraisal may need updating. [4]

For example, a qualifying \$500,000 appraisal produces a \$450,000 statutory floor. That is not a recommended asking price and does not establish that a sale is in the estate's best interests.

Before structuring an offer, ask counsel whether confirmation, a reappraisal, deposits, or overbid requirements apply. Use current market evidence to support the pricing strategy.

SALE PROCEEDS AND INHERITANCE

After closing: where the money goes

The home sale and the distribution of inheritance are separate events. Escrow closing does not automatically authorize the representative to divide the remaining funds.

At the real estate closing

- Escrow completes title and payment requirements, including authorized loan and lien payoffs and transaction charges.
- Retain the closing statement, invoices, and supporting records.
- Confirm the authorized estate or trust account receiving the net proceeds.

What continues afterward

In formal probate, remaining debts, expenses, taxes, and reporting may need to be addressed before the court approves distribution. Follow the applicable order and counsel's instructions. A report may still be required even if an accounting is waived. [5]

For trust property, distribution follows the trust and applicable requirements rather than the formal-probate distribution process. The trustee should ask counsel what reserves and reporting are appropriate.

Ask before distributing

- Which bills, claims, taxes, or reserves remain?
- What approval or documents are required?
- Who receives funds, how much, and when?
- Which tax records and returns must be retained?

Keep estate or trust money separate from personal money. Explain to the family early that a closing date and an inheritance-payment date may differ.

DO NOT WAIT FOR AN OFFER

Address complications early

Issue	Practical next step
Title problems or old liens	Order title information early. Let title and counsel resolve missing releases, ownership errors, or disputed interests.
Occupant or tenant	Ask counsel about rights, access, possession, notices, and the effect on showings and closing.
Reverse mortgage	Forward lender correspondence immediately. Ask about payoff, available options, and applicable deadlines.
Foreclosure notice	Get legal help promptly and record every stated deadline. Do not assume the estate case stops foreclosure.
Little or no equity	Obtain a payoff and net-proceeds estimate. A lender-approved strategy may be needed.
Family disagreement	Keep pricing and spending decisions documented. Legal authority and disputes belong with counsel.
Condo or HOA property	Gather dues, special assessments, governing documents, and resale information early.
Out-of-area representative	Plan signatures, access, vendors, property checks, mail, and consistent updates.

Urgent notices should reach the right professional promptly. A real estate plan can help manage the property, but it cannot substitute for legal intervention or lender approval.

REVIEW BEFORE KEEPING, RENTING, OR SELLING

Inherited-property tax questions

Income-tax basis

Inherited-property basis generally uses fair market value at death, with exceptions and possible estate elections. The value can move down as well as up. Ask a tax advisor to document the applicable basis, ownership interests, improvements, and sale expenses. A quick sale is not a guarantee of zero taxable gain. [6]

Proposition 19 and property-tax reassessment

Income-tax basis and county property-tax assessment are separate. A qualifying inherited family home generally must become an eligible child's principal residence for the intergenerational exclusion. The homeowners' or disabled veterans' exemption generally must be filed within one year of transfer; the exclusion claim generally within three years or before transfer to a third party. [7]

Value limits, continued occupancy, family relationships, and other conditions matter. For inherited property, the transfer date is generally the date of death, not the date probate ends. Confirm eligibility and filing dates with the county assessor before relying on the prior tax bill. [7]

Other obligations to review

Ask the CPA about the decedent's final return, estate or trust income-tax returns, and who reports the sale. Keep closing statements and invoices. [8]

If Medi-Cal was involved, ask counsel about estate recovery, notices, exemptions, and hardship rules. For deaths on or after January 1, 2017, recovery is limited to probate assets and specified benefits under DHCS rules. DHCS also states a 90-day notice-of-death requirement for the person handling the affairs. [9]

Before deciding to keep or rent, request an estimate of reassessed taxes, insurance, maintenance, and management costs.

PLAIN-LANGUAGE ANSWERS

Frequently asked questions

Can we sell before probate ends?

Often, yes. Appointment, authority, notices, title requirements, and any required confirmation control the process.

Does the will let me sign immediately?

No. If formal probate is required, confirm court appointment and issued Letters rather than relying on nomination alone. [3]

Must the home sell for 90% of its appraisal?

That rule applies to certain court-confirmed private sales. It is not a universal rule for every probate or trust sale. See pages 13-14.

Should we empty the house first?

Preserve important records and belongings, address safety, and compare preparation costs before a full clean-out.

Can one heir stop a sale?

An objection may affect the process. Counsel must assess the notice, authority, court orders, and rights involved.

Is an as-is sale possible?

Yes, when consistent with the representative's authority and duties. As-is terms do not eliminate every disclosure or other legal obligation.

When do heirs receive proceeds?

The closing and the distribution are separate. Remaining administration, reserves, and required approvals may keep proceeds in the estate or trust.

Can Diane help from out of town?

Yes. Local coordination can include authorized access, condition documentation, vendors, marketing, offers, and escrow updates.

BRING THIS LIST TO THE FIRST MEETING

Questions for your attorney

The answers help your broker, title company, and escrow officer align the sale with the legal process.

- ☐ Is formal probate required, or does another transfer procedure fit this property?
- ☐ Who can sign the listing, disclosures, contract, and escrow documents today?
- ☐ Have the Order for Probate and Letters been issued? Are there restrictions?
- ☐ Is authority full, limited, or special? Will confirmation be required?
- ☐ Is a Notice of Proposed Action required? Who receives it, and who tracks the deadline?
- ☐ Does the appraisal need updating for a proposed sale or confirmation hearing?
- ☐ What deposit, notice-of-sale, hearing, or overbid requirements apply?
- ☐ Are occupants, beneficiaries, creditors, co-owners, or title issues likely to affect timing?
- ☐ What happens if the property was intended for the trust but is not titled in it?
- ☐ Are loan, foreclosure, Medi-Cal, tax, or distribution issues urgent?
- ☐ What costs may the representative authorize, and how should approvals be documented?
- ☐ What may be distributed after closing, and what must remain reserved?

Write down the next milestone

Next legal step: _____

Responsible person: _____

Date or dependency: _____

TERMS YOU MAY HEAR

Quick glossary

Administrator - A court-appointed personal representative when there is no executor able to serve.

Beneficiary - A person or entity entitled to receive property under a will, trust, or other arrangement.

Decedent - The person who died.

Executor - A person nominated in a will and appointed by the court as personal representative.

IAEA - Independent Administration of Estates Act; authority may be full or limited.

Inventory and Appraisal - The probate filing identifying estate assets and their appraised values.

Letters - Court-issued evidence of appointment and authority.

Notice of Proposed Action - A notice used for certain actions under independent administration.

Personal representative - The appointed executor or administrator responsible for the probate estate.

Probate referee - An appraiser who values certain assets for probate and other qualifying procedures.

Successor trustee - The person who succeeds to management of trust assets.

Court confirmation - Court approval required for certain property sales; qualifying higher offers may be considered.

Tax basis - The tax starting value used to measure gain or loss, with applicable adjustments.

Final report or accounting - Reporting on administration and remaining assets before final distribution, as required.

YOUR NEXT STEP WITH DIANE

Let's make a practical property plan

You do not have to know every rule before asking for help. A first conversation can identify the property questions, the available sale choices, and the issues to take to your attorney.

How I can help

- Review current market value and property condition.
- Compare as-is and improvement strategies with likely net proceeds.
- Coordinate approved clean-out, cleaning, landscaping, and repairs.
- Prepare photography, marketing, showings, offers, and escrow communication.
- Coordinate with counsel, title, escrow, and authorized decision-makers.

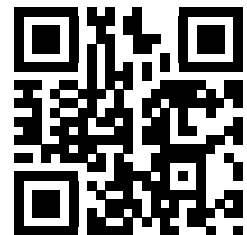
Bring what you have

Property address; occupancy information; deed or title report; authority documents; loan, HOA, tax, and insurance statements; urgent notices; known repair concerns; and professional contacts. Share sensitive records through an agreed secure method.

Schedule a Free Probate Property Consultation

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My role is the real estate transaction. Your attorney, tax advisor, insurer, assessor, and other professionals address the decisions within their specialties.

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Sources and useful resources

Numbered references support the legal and tax topics in this guide. Open the links for current information. Court schedules, forms, and case-specific requirements must be confirmed before acting.

[1] California courts: probate overview and timeline

Pages 3 and 6: basic process and broad timing.

[2] California Courts: when formal probate may not be needed

Page 4: primary residence and summary-transfer eligibility.

[3] Alameda Superior Court: appointment and administration

Pages 7 and 13: independent authority and proposed-action notices.

[4] California State Controller: Probate Referee Guide, 2025

Pages 13-14: appraisal purpose and sale-related reappraisal. See also Probate Code §§10309 and 10503.

[5] Alameda Superior Court: closing and distributing the estate

Page 15: reporting and distribution after administration.

[6] IRS: gifts and inheritances

Page 17: inherited-property basis and sale reporting.

[7] California Board of Equalization: Proposition 19

Page 17: reassessment exclusions, occupancy, and filing requirements.

[8] IRS Publication 559: survivors, executors, and administrators

Pages 15 and 17: estate accounts, records, and tax-return questions.

[9] California DHCS: Estate Recovery Program

Page 17: recovery limits, death notice, exemptions, and waivers.

Sacramento probate forms, hearing information, and local requirements: [Sacramento Superior Court probate page](#). Counsel should verify the applicable current local rules.

This guide is general real estate education, not legal, tax, accounting, insurance, or financial advice. Each estate, trust, court order, title history, and family situation is different. Examples are illustrative; no sale price, timing, tax result, or distribution is guaranteed.