Certified Probate & Trust Specialist

A GUIDE FOR CALIFORNIA FAMILIES

What Happens to the House?

Who's in charge, what to do first, and how to keep or sell an inherited home, without the surprises that catch families off guard.

PROBATE · TRUSTS · SELLING · TAXES

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BEFORE YOU BEGIN

Start here

If you're reading this, someone you love has passed, and a house is part of what they left behind. I'm sorry. This is a hard season, and the house can feel like one more thing on a very long list.

By the end of this guide, you'll know three things: which path your family's home is on, who has the authority to make decisions about it, and what the steps look like from here.

You don't have to decide anything today. Read what's useful, skip what isn't, and come back when you're ready.

What's inside

A quick note. I'm a real estate broker and a Certified Probate & Trust Specialist, not an attorney or a CPA. This guide covers California only. It's general information, not legal or tax advice. Laws change, and every family's situation is different, so please confirm the specifics with the estate's attorney and CPA.

PART 1

The first 30 days: caring for the house

Before anyone talks about selling, the house just needs to be looked after. Here's what helps most in the first few weeks.

1. **Keep it secure.** Lock the doors and windows, and have someone stop by at least once a week.
2. **Take photos before anything changes.** Photograph every room, inside and out, before any cleaning or repairs. It gives the estate and the whole family a clear record of the home's condition.
3. **Call the homeowner's insurance company.** Let them know the owner has passed and the home may be empty. Many policies limit coverage when a home sits vacant, so ask what you need to do to stay covered.
4. **Keep the utilities on.** Power, water, and heat protect the house from damage and make it easier to show later.
5. **Keep up with the bills.** The mortgage, property taxes, insurance, and HOA dues don't pause. Keep every receipt, and ask the attorney how those payments will be handled.
6. **Hold off on the belongings.** It's natural to want to start sorting. Wait on selling or giving away anything of value until someone has the legal authority to do it.
7. **Gather the paperwork.** Look for the will or trust, the deed, recent mortgage, HELOC, and property tax statements, the insurance policy, and any HOA information. Order several certified copies of the death certificate. You'll need more than you expect.
8. **Talk to an attorney before signing anything.** That includes offers from investors who reach out by mail or phone. There's no rush to respond.

And here's why it matters: a well-cared-for house protects the value of the estate for everyone in the family.

PART 2

Probate or trust? Finding your path

Say your mother passed away in March. She owned her home in Pleasanton outright. You're one of three siblings, and none of you have been through this before. The house will likely be sold, but nobody's sure who has the authority to do it.

That uncertainty is normal. The first question is always the same: **was there a trust?**

How the home was owned decides which path you're on. Here's the short version.

How the home was owned	What usually happens
In the name of a living trust	The trust path. A successor trustee manages the home, usually without any court involvement.
Joint tenancy with someone still living	The surviving owner usually takes over without probate, once some paperwork is recorded.
With a transfer-on-death deed	The named beneficiary usually receives the home without probate, once some paperwork is recorded.
In the person's name alone, with no trust	Usually probate, a court process. Simpler procedures exist for some smaller estates and surviving spouses, so ask an attorney what applies.

Not sure how the home was owned? The current deed will tell you. You can request a copy from the county recorder's office. A title company or a real estate agent can usually pull one for you, too.

Two assumptions to double-check

- **"There's a will, so there's no probate."** A will says who inherits. If the house was in the person's name alone, it may still go through probate.
- **"There's a trust, so the house is in it."** Not always. Homes are sometimes never transferred into the trust, or are taken out during a refinance. The deed will tell you.

PART 3

If the home is in probate

Who's in charge

The court appoints a **Personal Representative** to handle the estate. If there's a will, it's usually the executor named in it. If there isn't one, it's usually a close family member, called the administrator.

Once appointed, the Personal Representative receives a court document called **Letters**: Letters Testamentary if there's a will, Letters of Administration if there isn't. Nobody has the authority to sell the house until Letters are issued.

Full authority or limited authority

The Letters also say how much authority the Personal Representative has. This one detail shapes the whole sale.

FULL AUTHORITY

Sale without a court hearing

Under California's Independent Administration of Estates Act (IAEA), the Personal Representative can sell the home without a court hearing, as long as every heir gets written notice first.

Usually faster and more private.

LIMITED AUTHORITY

Sale confirmed by the court

The sale needs a court hearing to be confirmed, and other buyers can outbid the accepted offer at that hearing.

Adds a court date and a bidding step to the timeline.

The 15-day notice

Under full authority, the Personal Representative sends a **Notice of Proposed Action (NOPA)** to every heir and interested party. In plain English: it's a formal heads-up that says, "Here's the sale we plan to make."

If nobody objects within 15 days, the sale moves forward with no court hearing. If someone does object, the sale goes to the court for approval.

Families are often least prepared for this step, so build it in from the start.

PART 3, CONTINUED

Court confirmation, overbids, and timing

When a sale needs court confirmation, the price usually has to be at least 90% of the value set by the **probate referee**, a court-appointed appraiser. After an offer is accepted, the court sets a hearing date. At the hearing, any qualified buyer can make a higher offer, called an **overbid**.

The first overbid has a set minimum. Here's how it works with real numbers.

Accepted offer	$800,000
Plus 10% of the first $10,000	$1,000
Plus 5% of the remaining $790,000	$39,500
Minimum first overbid	**$840,500**

The highest bid at the hearing wins, and the court confirms the sale.

The typical steps (full authority)

1. The court appoints the Personal Representative and issues Letters.
2. A probate referee appraises the home. This can happen while the house is being prepared.
3. The Personal Representative signs a listing agreement.
4. The home is marketed and shown.
5. An offer is accepted.
6. The Notice of Proposed Action goes to every heir. The 15-day clock starts.
7. If no one objects, the sale moves to closing.
8. If someone objects, the sale goes to court confirmation, with the overbid process.

> **How long does probate take?** Many California probates take 9 to 18 months, and some take longer. The good news: the house can usually be sold before the estate closes, once the Personal Representative has authority.

PART 4

If the home is in a trust

Trust sales are usually simpler. A trustee follows the trust document, not the probate court, and most trust sales need no court involvement at all.

Who's in charge

When the person who created the trust passes, the **successor trustee** named in the trust takes over. Before the home is listed, the trustee needs the right paperwork in place, including proof of their authority. That proof is often a short document called a **Certification of Trust**.

Notice to the family

When a trust becomes irrevocable at death, California requires the trustee to send a formal notice to the beneficiaries and heirs within 60 days. The attorney usually handles this, but it's part of the timeline.

A real responsibility

A trustee has a **fiduciary duty** to every beneficiary. In plain English: decisions about the house have to be fair to everyone the trust names, not just the trustee. Clear, regular communication with every beneficiary goes a long way.

WHAT'S USUALLY EASIER

- No court hearing
- No 15-day notice before a sale
- No overbid process
- A faster timeline overall

WHAT STILL NEEDS CARE

- Successor trustee paperwork in place first
- Following the trust's terms
- Keeping every beneficiary informed
- Agreement among beneficiaries

Trust sales are usually faster than probate. They still carry real responsibility, so it's worth moving carefully.

PART 5

Getting the house ready

There's no single right way to prepare an inherited home. Most families choose one of these.

Path	What it looks like
Sell as-is	Little or no work before listing. The simplest option, and common for probate sales. Buyers factor repairs into their offers.
Light preparation	A clean-out, deep cleaning, fresh paint, yard cleanup, and small repairs. Often the best balance of cost and return.
Full preparation	Larger repairs or updates before listing. Can raise the price, but takes more time and upfront money.

Any work should be approved by the Personal Representative or trustee, and paid by the estate or trust.

Before you spend estate money, ask

- What would buyers likely pay for the house as it is today?
- Which repairs actually matter to buyers, and which are just cosmetic?
- What does waiting cost each month in mortgage, taxes, insurance, and upkeep?
- Will the work likely add more to the sale price than it costs?

Clean-out and estate sales

Sorting a lifetime of belongings takes longer than most families expect. Set aside photos, keepsakes, and important papers first. If you're holding an estate sale, book early and schedule it around showings.

Disclosures

Sales by a Personal Representative or trustee are often exempt from California's standard Transfer Disclosure Statement. You'll still need to share what you know about the home's condition.

PART 6

Money questions for your CPA

Two tax rules surprise families more than anything else. One usually helps. The other can hurt.

The good news: stepped-up basis

On the federal side, inherited property usually gets a **stepped-up basis**. In plain English: the home's value for tax purposes resets to what it was worth on the date of death, not what your parents originally paid.

> Say your parents bought their home in 1985 for $150,000, and it was worth $1,100,000 when your mother passed. If the family sells a few months later for $1,120,000, capital gains are usually figured from about $1,100,000, not $150,000.

That's why selling soon after inheriting often means little or no capital gains tax. Confirm the details with the estate's CPA.

The surprise: Proposition 19

Here's a common assumption: "I inherited my parents' house, so I keep their low property tax bill." Since February 2021, that's often not true.

Under Prop 19, a child who inherits a parent's home keeps the parent's tax base only if they make it their own primary residence within one year, and only up to a certain value. Otherwise, the home is reassessed at today's market value. For many East Bay families, that means a tax bill several times higher than what their parents paid.

And here's why it matters: if anyone in the family is thinking about keeping the house, talk to your CPA about Prop 19 before you decide.

Other good questions to ask

- Should we get a date-of-death value for the home in writing?
- How will the sale be reported, and by whom?
- Which costs of preparing and selling the home can reduce any gain?

PART 7

Deciding together as a family

The hardest questions about the house are often about people, not property. It helps to talk these through early, even before anyone has all the answers.

- Does anyone want to keep the house, or buy out the others?
- Is anyone living there now?
- Who has keys and access right now?
- What should happen to the belongings, and who decides?
- Is there a timeline the family is hoping for?
- What matters most: the highest price, simplicity, or speed?

And here's why it matters: that last answer shapes almost every decision that follows.

When you don't agree

It's common for siblings and other heirs to see things differently. One wants to sell quickly, another wants to wait, and someone else hopes to keep the house. None of that means your family is doing it wrong.

1. **Agree on the process before you debate the price.** Decide who makes which decisions and how everyone will be kept informed.
2. **Work from the same numbers.** A neutral, written opinion of the home's value gives everyone a shared starting point.
3. **Share information with everyone at the same time.** It's the simplest way to build trust when emotions are high.
4. **Let the attorney guide real disputes.** The Personal Representative or trustee has legal duties, and the attorney can explain the options.

> **If someone is living in the house,** or one family member wants to buy out the others, talk to the attorney early. Both situations come up often, and both are easier to handle when they're planned for.

PART 8

Common pitfalls, and how to avoid them

Most of the problems families run into come from a few honest assumptions. Here's what to watch for.

Assuming a will means no probate

A will names who inherits. The house may still need to go through probate.

Assuming the house is in the trust

Check the deed. Homes are sometimes never transferred in, or are taken out during a refinance.

Acting before anyone has authority

Being the closest relative isn't the same as having legal authority. In probate, wait until Letters are issued.

Listing before the trustee paperwork is ready

A successor trustee needs proof of authority in place before the home goes on the market.

Debating price before agreeing on the process

Settle who decides, and how, before anyone talks numbers.

Missing someone on the notice

If an heir doesn't receive the Notice of Proposed Action correctly, the 15-day clock can start over.

Clearing out belongings too quickly

Make sure the right people agree on what happens to belongings before anything is sold, donated, or thrown away.

Renovating before there's a plan

Know what the house is worth as it is, and what buyers care about, before spending estate money.

Learning about Prop 19 too late

If anyone might keep the house, talk to a CPA about property taxes before the family decides.

PART 9

Who's on your team

Settling the house usually takes a small team. Here's who handles what, so each question goes to the right person.

Who	What they handle
Estate attorney	Legal authority, probate or trust procedure, court filings, and disagreements between heirs.
CPA or tax professional	Stepped-up basis, Prop 19, and any tax returns for the estate or trust.
Title and escrow	Confirming ownership, paying off the mortgage and any liens, and closing the sale.
Insurance agent	Keeping the home covered while it's vacant or changing hands.
Real estate agent	Value, preparation, pricing, marketing, and timing the sale around notice periods and court dates.
Estate sale or clean-out company	Sorting, selling, donating, or removing belongings.
Contractors and handymen	Repairs and preparation approved by the Personal Representative or trustee.
Probate referee	Appraises the property for the court. Probate only, and appointed by the court, not hired by the family.

When everyone knows their role, the house doesn't get stuck waiting on the wrong person.

PART 10

Words you'll hear

You're not expected to know these terms. Here they are in plain English.

Administrator
The person the court appoints to handle an estate when there's no will, or no executor able to serve.

Beneficiary
A person named to receive something from a will or trust.

Certification of Trust
A short document that proves a trustee's authority without sharing the whole trust.

Court confirmation
A probate court hearing that approves a home sale, where other buyers can overbid.

Executor
The person named in a will to handle the estate.

Heir
A family member who has a right to inherit under California law.

IAEA
The Independent Administration of Estates Act. It lets a Personal Representative handle many tasks, including selling a home, with less court involvement.

Letters
The court document that gives a Personal Representative authority to act for the estate.

NOPA
Notice of Proposed Action. The written notice sent to heirs before a sale under full authority. Heirs have 15 days to object.

Overbid
A higher offer made at a court confirmation hearing.

Personal Representative
The general term for an executor or administrator.

Probate
The court process for settling an estate when property isn't held in a trust or passed on another way.

Probate referee
A court-appointed appraiser who values the estate's property.

Proposition 19
The 2021 California law that changed how inherited homes are taxed.

Stepped-up basis
The reset of an inherited home's tax value to what it was worth on the date of death.

Successor trustee
The person named in a trust to take over when the original trustee passes or can't serve.

PART 11

Your next steps

Print this page and check things off as you go. There's no deadline on any of it.

- [ ] Secure the house and keep the utilities on
- [ ] Photograph every room before anything changes
- [ ] Call the homeowner's insurance company
- [ ] Keep paying the mortgage, taxes, insurance, and HOA, and save the receipts
- [ ] Gather the will or trust, the deed, and recent statements
- [ ] Order several certified copies of the death certificate
- [ ] Find out how the home was owned (check the deed)
- [ ] Talk with an estate attorney
- [ ] If it's probate: find out whether the Letters give full or limited authority
- [ ] If it's a trust: make sure the successor trustee paperwork is in place
- [ ] Ask your CPA about stepped-up basis and Prop 19
- [ ] Decide together as a family: keep, rent, or sell

Helpful official resources

Free information from the California Courts:

Probate basics
selfhelp.courts.ca.gov/probate

When formal probate may not be needed
selfhelp.courts.ca.gov/probate/simple-transfer

How formal probate works
selfhelp.courts.ca.gov/probate/formal-probate

Inventory and property value
selfhelp.courts.ca.gov/probate/inventory-estimate-value

WHEN YOU'RE READY

How I can help

As a Certified Probate & Trust Specialist, I focus on the part of this process that involves the house. Here's what that looks like.

- I confirm who has the authority to sell before we ever talk about price.
- I build notice periods and court dates into the timeline from day one.
- I work alongside your attorney and CPA, not around them.
- I treat the home as your family's loss to move through with care, not a transaction to rush.

You don't have to have this figured out today. If you'd like a second set of eyes on where things stand, I'm happy to talk it through. No pressure, no obligation.

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