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The Probate Sale Roadmap™

A Personal Representative's Guide from Accepted Offer to Closing

Brookstone Probate Library™

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From Accepted Offer to Closing

Understanding the Probate Real Estate Sale Process in Michigan

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A Step-by-Step Guide for Personal Representatives

Selling a home through probate is different from a traditional real estate transaction.

An accepted offer is an important milestone, but it is often the beginning of the next phase of the process—one involving Probate Court approval, required documentation, title review, and coordination between multiple professionals.

For many Personal Representatives, this process is unfamiliar. This guide was created to provide clarity and answer the most common questions.

Every estate is unique, and requirements may vary depending on the circumstances, Probate Court, title company, and professionals involved.

However, understanding the overall process helps Personal Representatives prepare for each step, reduce uncertainty, and make informed decisions with confidence.

At **Brookstone Realtors Probate Division**, our role extends beyond selling real estate.

We believe education is one of the most valuable resources we can provide. Our goal is to help Personal Representatives understand the process, protect estate assets, and move forward with confidence.

Provide Clarity.

Protect Estate Assets.

Guide Families Forward.

Brookstone Probate Library™

Helping Personal Representatives understand the process, protect estate assets, and make informed real estate decisions.

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STEP 1 | PURCHASE AGREEMENT SIGNED

The Probate Sale Officially Begins

Signing the Purchase Agreement is one of the most exciting milestones in the probate real estate process. After preparing the property, reviewing offers, and working through negotiations, the estate has reached an agreement with a qualified buyer.

For many Personal Representatives, this moment feels like the finish line. In reality, it marks the beginning of the final phase of the transaction.

Unlike a traditional home sale, many probate transactions require additional legal steps before ownership can transfer to the buyer. When court approval is required, the signed Purchase Agreement becomes the foundation for everything that follows. It provides the Probate Court, title company, and the professionals involved with the information needed to begin moving the sale toward closing.

Although it may seem like the process slows down after an offer is accepted, this is often one of the busiest stages of the transaction. While the buyer begins completing inspections and financing requirements, the probate attorney starts preparing court documents, the title company opens its file, and your real estate professional coordinates communication between all parties.

Understanding what happens during this stage can help you feel confident that the transaction is moving forward—even when much of the work is happening behind the scenes.

Although a probate Purchase Agreement looks very similar to a traditional real estate contract, there are several important differences. Rather than the individual owner acting as the seller, the estate is identified as the seller, with the Personal Representative signing the agreement on the estate's behalf—not in their individual capacity.

At closing, the buyer typically receives a Personal Representative's Deed instead of a Warranty Deed, reflecting the Personal Representative's authority to transfer the estate's interest in the property. When Probate Court approval is required, the Purchase Agreement also includes a contingency making the sale subject to court approval and allowing additional time if needed for the probate process. These provisions help protect the estate while ensuring the transaction complies with Michigan probate procedures.

What Happens During This Step:

The Purchase Agreement Establishes the Terms of the Sale; once both parties have signed the Purchase Agreement, the transaction officially moves forward.

The agreement documents the key financial terms, important deadlines, and contract provisions that will guide the transaction through closing.

Financial Terms

- Purchase Price
- Financing Terms
- Earnest Money Deposit

Important Deadlines

- Inspection Timeline
- Proposed Closing Date

Contract Provisions

- Property Inclusions & Exclusions
- Contingencies & Special Provisions

Why This Step Matters

The Purchase Agreement is much more than a document stating the sale price.

It becomes the official roadmap for the transaction and establishes the terms that everyone will rely on throughout the remainder of the sale.

For probate properties requiring court approval, the Purchase Agreement also serves as the primary document the probate attorney uses when requesting authorization from the Probate Court. The title company will later review it as part of its underwriting process, and it ultimately guides the preparation of the closing documents.

Without a fully executed Purchase Agreement, the probate approval process cannot move forward.

⚖️ The Probate Attorney

If Probate Court approval is required, the attorney begins preparing the legal documents necessary to request authorization from the court.

This is the beginning of the court approval process discussed in the following chapters.

🏛️ The Title Company Opens the Transaction

The title company begins researching ownership, reviewing public records, identifying liens or mortgages, and preparing for the probate underwriting process that will occur later.

🏡 Your Real Estate Professional

Your real estate professional continues coordinating the transaction behind the scenes by managing communication between the buyer, Personal Representative, attorney, and title company.

🏡 Brookstone Insight

Many Personal Representatives expect frequent updates immediately after accepting an offer. In reality, this stage often involves attorneys, title companies, lenders, and inspectors completing their work behind the scenes.

Even if there are no daily updates, it doesn't necessarily mean the transaction has stalled. Much of the progress during this stage happens through document preparation, communication, and coordination between professionals.

⭐ Brookstone Pro Tip

Create a dedicated folder—either paper or digital—for all documents related to the sale.

Keeping your Purchase Agreement, Letters of Authority, court orders, title documents, and correspondence together will make it much easier to locate information if questions arise later in the transaction.

⚠️ Common Misconception

"Once the Purchase Agreement is signed, the house is basically sold."

For many probate properties, accepting an offer is only the beginning. If Probate Court approval is required, additional legal and title requirements must be completed before ownership can transfer and the transaction can close.

✅ Step 1 Checklist

☐ Purchase Agreement signed by all parties

☐ Attorney notified of the accepted offer

☐ Title company receives the contract

☐ Buyer begins inspections and financing

☐ Probate approval process begins

☐ Transaction moves into court preparation

📋 Progress Check

You have now completed the first major milestone:

✅ Accepted an Offer

Up next, you'll learn how your probate attorney prepares the documents needed to request Probate Court approval and why this stage is essential before closing can occur.

Continue to Step 2 → Probate Attorney Prepares the Court Approval

STEP 2 | Probate Attorney Prepares the Court Approval

Building the Legal Foundation for a Successful Closing

Once the Purchase Agreement has been signed, the focus of the transaction shifts from negotiating the sale to obtaining the legal authority necessary to complete it.

If the probate estate requires court approval before the property can be sold, your probate attorney now begins preparing the documents that will be submitted to the Probate Court for review.

For many Personal Representatives, this stage can feel like the process has slowed down. There may be fewer visible updates, and it's common to wonder whether anything is actually happening.

In reality, this is often one of the busiest phases of the transaction.

Behind the scenes, your attorney is carefully reviewing the estate file, confirming legal authority, preparing court documents, coordinating with your real estate professional, and ensuring that the information submitted to the court accurately reflects the proposed sale.

The quality and accuracy of these documents play an important role not only in obtaining court approval but also in helping the title company complete its underwriting review later in the transaction.

What Happens During This Step:

Court Documents Are Prepared; Once the attorney confirms the necessary information, they begin preparing the documents that will eventually be submitted to the Probate Court.

These commonly include:

- **PC 681 — Petition for Approval of Sale of Real Estate**
- **PC 682 — Proposed Order Regarding Sale of Real Estate**
- **PC 561 — Waiver and Consent Forms**
- Supporting transaction documents
- A copy of the signed Purchase Agreement

Each document serves a different purpose, and the following chapters will explain them in greater detail.

Why This Step Matters

The Probate Court cannot approve a sale based on a verbal agreement or a signed Purchase Agreement alone.

The court must receive sufficient documentation to understand:

- Who has authority to sell the property
- What property is being sold
- The terms of the proposed transaction
- Why the sale is appropriate for the estate
- Whether required probate procedures have been followed

Your attorney assembles this information into a formal court approval package that provides the judge with everything needed to review the proposed sale. A complete and well-prepared package helps minimize questions, reduce delays, and keep the transaction moving toward closing.

⚖️ The Attorney Reviews the Estate File

Before preparing court documents, the attorney verifies important information such as:

- Letters of Authority
- Estate status
- Property ownership
- Interested parties
- Existing court filings
- Any restrictions affecting the sale
- Coordinating with Real Estate Professional

🏛️ The Title Company Begins Its Initial Review

Much of the title company's underwriting occurs later, although title companies begin gathering information.

- Opening the title file
- Reviewing ownership records
- Identifying liens or mortgages
- Confirming legal descriptions
- Requesting preliminary probate documentation

🏡 Your Real Estate Professionals Coordination

While the attorney prepares the legal filings, your real estate professional continues coordinating the transaction by:

- Keeping the buyer informed
- Monitoring contractual timelines
- Answering property-related questions
- Communicating with the title company
- Coordinating with contractors or inspectors, when necessary

🏡 Brookstone Insight

Many Personal Representatives feel anxious when several weeks pass without major updates.

In most cases, this does not mean the transaction has stalled.

Preparing accurate probate documents takes time because those same documents are often relied upon later by the Probate Court, the title company, and other professionals involved in the sale.

A little extra care during this stage often helps prevent much larger delays later.

⭐ Brookstone Pro Tip

Respond to requests from your probate attorney as quickly as possible.

Providing signatures, documents, or requested information promptly can help keep the court approval process moving and reduce unnecessary delays.

⚠️ Common Misconception

"My attorney is just filling out forms."

The court approval package is much more than paperwork. It creates the legal foundation for the sale and provides the Probate Court and title company with the documentation needed to authorize and insure the transaction.

A well-prepared package helps protect the estate and supports a smoother closing.

Next, you'll take a closer look at the **PC 681 — Petition for Approval of Sale of Real Estate** and learn how it serves as the formal request asking the Probate Court to authorize the transaction.

✅ Step 2 Checklist

☐ Attorney reviews the estate file
☐ Purchase Agreement reviewed
☐ Court approval package prepared
☐ PC 681 drafted
☐ PC 682 prepared
☐ PC 561 reviewed or completed
☐ Supporting documentation gathered
☐ Ready for submission to the Probate Court

📋 Progress Check

You have now completed:

✅ Purchase Agreement Signed
✅ Court Approval Package Prepared

Continue to Step 3 → Petition for Approval of Sale of Real Estate (PC 681)

STEP 3 | Petition for Approval of Sale of Real Estate (PC 681)

The Formal Request Asking the Probate Court to Approve the Sale

After your attorney has assembled the court approval package, the next major step is submitting the Petition for Approval of Sale of Real Estate (PC 681) to the Probate Court.

This document serves as the attorney's formal request asking the Probate Judge to authorize the proposed sale of the estate's real property.

For many Personal Representatives, hearing the words *"petition for approval"* can sound intimidating. It is common to wonder whether something is wrong with the transaction or whether additional obstacles have suddenly appeared.

Fortunately, that is usually not the case.

In many probate estates requiring court approval, the PC 681 is simply a standard part of the legal process. It provides the Probate Court with the information necessary to review the proposed transaction and determine whether the sale is appropriate for the estate.

Rather than creating additional hurdles, the petition helps ensure the transaction is properly documented and legally authorized before ownership transfers to the buyer.

Happens During This Step:

Once the petition has been prepared, your attorney submits it to the Probate Court along with supporting documentation.

The judge reviews the materials to confirm that the transaction complies with Michigan probate procedures and that the Personal Representative is acting within the authority granted by the court.

After the PC 681 Petition and supporting documents are filed, Michigan Probate Court typically schedules a hearing within approximately 2–3 weeks.

The proposed sale is reviewed and the PC 682 Order Regarding Sale of Real Estate may be approved and signed by the court if probate court requirements have been satisfied.

Why This Step Matters

The Probate Court has a responsibility to protect the estate and the individuals who have a legal interest in it.

Because real estate is often one of the estate's most valuable assets, the court may require additional review before authorizing its sale.

The PC 681 provides the judge with the information needed to understand:

- Which property is being sold
- The proposed purchase price
- The terms of the sale
- The identity of the buyer
- The authority of the Personal Representative

- Why selling the property benefits the estate

This allows the Probate Court to make an informed decision based on the facts presented.

What Information Does the PC 681 Include?

🏠 **Property Information**

- Property address
- Legal description
- Ownership information
- Legal Easements

💲 **Sale Information**

- Agreed purchase price
- Terms of the Purchase Agreement
- Proposed closing information
- Buyer information

⚖️ **Estate Information**

- Estate name
- Personal Representative
- Probate case information
- Authority to sell the property

The petition is submitted together with:

- Purchase Agreement
- Proposed PC 682 Order
- Required Waivers and Consents PC 561
- Other probate documentation supporting the request

Together, these documents provide the Probate Court with a complete picture of the proposed transaction. The following chapters will explain the PC 561 and PC 682 in greater detail.

🏠 **Brookstone Insight**

Many Personal Representatives assume the Probate Judge is evaluating whether they negotiated the "best possible deal."

In reality, the judge's role is much more focused.

The court is primarily reviewing whether the sale complies with probate procedures, whether the Personal Representative has proper authority, and whether the proposed transaction appears appropriate for the estate.

⭐ Brookstone Pro Tip

Keep a copy of the fully executed Purchase Agreement easily accessible.

Because it serves as the foundation for the court approval process, your attorney, title company, or other professionals may reference it multiple times before closing.

⚠️ Common Misconception

"The judge decides whether the sale price is high enough."

While the Probate Court reviews the proposed transaction, its primary role is to ensure the sale follows the law and that the Personal Representative is acting within their fiduciary duties. The court is generally not renegotiating the sale or determining market value.

Next, you'll learn about the **PC 561 — Waiver and Consent**, how it helps demonstrate that interested parties have been properly notified, and why documentation is an important part of the probate approval process.

✅ Step 3 Checklist

☐ PC 681 prepared by probate attorney
☐ Purchase Agreement included with petition
☐ Supporting documents attached
☐ Petition submitted to Probate Court
☐ Await court review

📋 Progress Check

You have now completed:

✅ Purchase Agreement Signed
✅ Court Approval Package Prepared
✅ PC 681 Petition Submitted

Continue to Step 4 → Waivers & Consents (PC 561)

STEP 4 | Waivers & Consents (PC 561)

Documenting Notice & Consent from Interested Parties

When the Petition for Approval of Sale of Real Estate (PC 681) is prepared, the probate attorney may also include Waivers & Consents (PC 561) as part of the court approval package.

For many Personal Representatives, this step can be confusing because family members or interested persons may have already verbally agreed that the property should be sold. However, probate requires more than verbal agreement.

The Probate Court relies on proper documentation showing that individuals with a legal interest in the estate have received notice of the proposed action and have had the opportunity to provide their consent or response.

The PC 561 helps demonstrate that the approval process has been handled transparently and that interested persons have been properly considered before the court reviews the proposed sale.

What Happens During This Step?

Once the PC 681 Petition has been prepared, the probate attorney reviews the estate circumstances to determine which individuals may need notice or consent.

Depending on the estate, this may include:

- Heirs
- Beneficiaries
- Interested persons

Those individuals may be provided the opportunity to review the proposed action and complete the appropriate waiver and consent documentation.

The completed PC 561 forms are then submitted with the court approval package for the Probate Judge's review. In many uncontested probate sales, properly completed documentation helps the approval process move forward more efficiently.

Why This Step Matters

The Probate Court has a responsibility to protect the rights of individuals who may have an interest in the estate.

Because real estate is often one of the largest assets involved in probate, the court wants to ensure that significant decisions affecting estate property are properly communicated.

The PC 561 helps provide confirmation that:

- Interested persons received appropriate information
- Required parties have had an opportunity to respond
- The proposed sale is not being completed without proper notice
- The Personal Representative is acting responsibly on behalf of the estate

When required waivers and consents are completed, it can help reduce unnecessary delays and demonstrate that the transaction is uncontested.

An Owner's Title Insurance Policy is a standard part of nearly every real estate transaction. In a probate sale, the title company must complete additional underwriting to verify the Personal Representative's authority and ensure the estate has satisfied all probate requirements before issuing the policy.

An Owner's Title Policy protects the buyer's ownership interest by providing title insurance coverage against certain ownership issues, liens, or defects in the property's title, and it will be required as part of the closing process.

Documents such as the PC 561 help demonstrate that interested parties have been properly notified and that required consents or waivers have been obtained. These additional steps help the title company issue the Owner's Title Policy with confidence while reducing the risk of delays before closing.

Without the proper probate documentation, some title companies may require waiting until the 21-day appeal period following the approved court order has expired before issuing title insurance. Providing complete probate documentation helps the title underwriter evaluate the transaction and can often prevent unnecessary closing delays.

What Information Does the PC 561 Include?

👤 Interested Person Information

- Name of the individual providing consent
- Relationship or interest in the estate
- Estate information being referenced

📄 Probate Action Being Reviewed

- Description of the requested action
- Reference to the Petition being submitted
- Information regarding the proposed property sale

✍️ Consent & Waiver

- Confirmation that notice has been received
- Agreement or consent regarding the request
- Waiver of certain notice requirements when applicable

🏡 Brookstone Insight

Many families believe that if everyone agrees verbally, the probate process can simply move forward.

In reality, probate relies on documented proof.

A conversation between family members may establish understanding, but the Probate Court and title company rely on written documentation showing that required individuals were properly notified and that the process was completed correctly.

⭐ Brookstone Pro Tip

If multiple heirs or interested persons are involved, keeping communication open throughout the process can prevent unnecessary delays. A quick conversation explaining the purpose of the PC 561 often helps family members understand that it is not a sign of disagreement — it is simply part of properly documenting the probate process.

⚠️ Common Misconception

"Signing a PC 561 means I am personally approving every detail of the sale."

A waiver and consent generally confirms that the individual has received notice of the proposed probate action and does not object to the request being presented to the court.

It is part of documenting the probate process — not the same as personally negotiating or managing the real estate transaction.

Next, you'll learn about the PC 682 — Order Regarding Sale of Real Estate, the document that provides Probate Court authorization to proceed with the approved sale.

✅ Step 4 Checklist

☐ Determine required interested persons
☐ PC 561 documents prepared
☐ Required signatures obtained
☐ Waivers and consents submitted with court package
☐ Await Probate Court review

📋 Progress Check

You have now completed:

✅ Purchase Agreement Signed
✅ Court Approval Package Prepared
✅ PC 681 Petition Submitted
✅ PC 561 Waivers & Consents Completed

Continue to Step 5 → Probate Court Review & PC 682 Order Regarding Sale of Real Estate

STEP 5 | Order Regarding Sale of Real Estate (PC 682)

The Court's Authorization to Complete the Sale

After the Petition for Approval of Sale (PC 681), supporting documentation, and any required Waivers & Consents (PC 561) have been submitted, the Probate Court begins its review of the proposed transaction.

The Probate Court schedules a hearing to review the petition and supporting probate documents. In Michigan, these hearings are often scheduled approximately 2–3 weeks after filing of the PC 681 and may be conducted either in person or virtually through Zoom, providing flexibility for the parties involved.

During this stage, the Probate Judge examines the information provided to determine whether the sale complies with Michigan probate procedures and whether the Personal Representative has followed the appropriate legal process.

If everything is in order, the judge signs the PC 682 — Order Regarding Sale of Real Estate and the motion is granted.

For many Personal Representatives, this is one of the most significant milestones in the probate sale process. The signed PC 682 represents the Probate Court's authorization for the estate to move forward with the sale of the property.

Although additional steps remain before closing, court approval is often the legal milestone that allows the transaction to continue toward completion.

What Happens During This Step?

After reviewing the court approval package, the Probate Judge determines whether the proposed transaction should be approved.

Depending on the circumstances, the court may:

✅ Sign the PC 682 as submitted
✅ Request additional information before issuing the order
✅ Schedule additional proceedings questions need to be resolved

In many uncontested probate sales, once the required documentation has been submitted, the court review is straightforward and the signed order becomes part of the official probate record.

Once entered into the court file, the approved order is provided to the professionals coordinating the transaction, including the title company.

Why This Step Matters

The signed Purchase Agreement reflects the agreement between the buyer and the estate.

The signed PC 682 reflects the Probate Court's authorization for the estate to complete that agreement.

The Order Regarding Sale of Real Estate helps confirm that:

- The Probate Court reviewed the proposed transaction
- The Personal Representative has authority to complete the sale
- Required probate procedures have been followed
- The sale may proceed in accordance with the court's order

Without this approval, a probate sale requiring court authorization cannot move forward to closing.

What Information Does the PC 682 Include?

⚖️ Court Authorization

- Approval of the proposed sale
- Authorization for the Personal Representative to proceed
- Probate Court case information

🏠 Property Information

- Property being approved for sale
- Legal description or identifying information

👤 Estate Information

- Official approval signed by the Probate Judge
- Authorization entered into the court record

📄 Court Order

- Official approval signed by the Probate Judge
- Authorization entered into the court record

🏠 Brookstone Insight

Many Personal Representatives believe that once the judge signs the PC 682, the transaction is immediately ready to close.

In reality, court approval is a major milestone—but it is not the final step.

The title company must still review the probate documents, complete underwriting, and confirm that all closing requirements have been satisfied before ownership can legally transfer to the buyer.

⭐ Brookstone Pro Tip

Once the PC 682 Order has been signed and approved by the Probate Judge, the Personal Representative or attorney can obtain certified copies of the Letters of Authority, Death Certificate, PC 682, and PC 561 (when applicable) by visiting the Probate Court Clerk's Office.

These certified documents should then be overnighted to the title company for review. Your real estate professional will help coordinate this process and provide the prepaid shipping label to ensure the documents are delivered securely and efficiently.

Title companies require certified probate documents as part of the underwriting process, and obtaining these documents early can help prevent unnecessary delays as the transaction moves toward closing.

There will be more on Certified documents in later sections.

⚠️ Common Misconception

"Once the judge signs the PC 682, we're ready to close immediately."

The signed order gives the estate legal authorization to proceed, but the title company must still complete its review, verify the probate documentation, satisfy underwriting requirements, and prepare the transaction for closing. Court approval is a significant milestone—but it is not the final step.

Next, you'll learn why certified probate documents are so important, which documents are commonly requested before closing, and how obtaining them early can help keep the transaction moving smoothly.

Continue to Step 6 → Certified Probate Documents & Closing Requirements

✅ Step 5 Checklist

- ☐ Probate Court reviews the approval package
- ☐ PC 682 signed by the Probate Judge
- ☐ Order entered into the court record
- ☐ Certified copy requested when available
- ☐ Court approval provided to the title company

📋 Progress Check

You have now completed:

- ✅ Purchase Agreement Signed
- ✅ Court Approval Package Prepared
- ✅ PC 681 Petition Submitted
- ✅ PC 561 Waivers & Consents Completed
- ✅ PC 682 Court Approval Granted

STEP 6 | Certified Probate Documents & Closing Requirements

Why Certified Documents Matter Before Closing

Once the Probate Court has approved the sale by signing the PC 682 — Order Regarding Sale of Real Estate, the transaction begins moving from the court approval stage toward title review and closing preparation.

Although court approval is a significant milestone, the title company must still verify that all required probate documents have been properly issued and that the Personal Representative has the legal authority to complete the sale.

This is where certified probate documents become extremely important.

A certified copy is an official document issued by the Probate Court or another government agency confirming that it is a true and accurate copy of the original record. While a regular photocopy may contain the same information, many title companies, lenders, and financial institutions require certified copies before allowing the transaction to proceed to closing.

Once the PC 682 Order has been signed and approved by the Probate Judge, the Personal Representative or attorney can obtain certified copies of the Letters of Authority, Death Certificate, PC 682, and PC 561 (when applicable) by visiting the Probate Court Clerk's Office.

What Happens During This Step?

After the Probate Court issues the necessary orders, the probate attorney and title company begin gathering and reviewing certified probate documents.

These documents are forwarded to the title company's underwriting department, where they are reviewed alongside the purchase agreement, title work, and other closing documents.

Depending on the transaction, the title company may:

- ✅ Accept the documents as submitted
- ✅ Request additional certified copies
- ✅ Ask for supplemental probate documentation
- ✅ Request clarification from the probate attorney

Most probate transactions move forward once all required documentation has been received and reviewed.

These certified documents should then be overnighted to the title company for review. Your real estate professional will help coordinate this process and provide the prepaid shipping label to ensure the documents are delivered securely and efficiently.

Why This Step Matters

The title company is responsible for ensuring the buyer receives clear ownership of the property.

Before issuing title insurance and approving the closing, the title company must verify that:

- The Personal Representative has legal authority to act for the estate

- The Probate Court properly approved the transaction
- Required probate procedures have been completed
- The documents being relied upon are authentic

Certified copies provide the official verification needed to satisfy these requirements.

Certified Documents Commonly Requested:

📄 **Letters of Authority**

Confirms the Personal Representative has been appointed by the Probate Court and has authority to act on behalf of the estate.

📜 **PC 682 — Order**

Provides official Probate Court authorization allowing the estate to complete the sale.

🕊️ **Death Certificate**

Verifies the death of the property owner and supports probate and title review.

📄 **PC 561 — Waiver**

Requested to confirm interested parties received proper notice and consented to the proposed action.

🏡 **Brookstone Insight**

Many Personal Representatives are surprised to learn that a regular copy of a Probate Court document may not be sufficient for closing.

Title companies often require certified copies because they provide official confirmation that the documents being relied upon are authentic and legally valid.

⭐ **Brookstone Pro Tip**

To help keep the transaction moving, Personal Representatives should consider obtaining certified documents directly from the Probate Court Clerk's Office rather than waiting for them to be mailed, as mailed copies can sometimes take several weeks to arrive.

Ask your probate attorney early in the process whether certified copies of key probate documents should be requested before closing is scheduled.

Having these documents ready in advance can help prevent unnecessary delays once the buyer, lender, and title company are ready to move forward.

⚠️ Common Misconception

"A photocopy of the court documents is all the title company needs."

While photocopies may be useful for reference, title companies require certified copies of probate documents before issuing title insurance and approving the transaction for closing.

Next, you'll learn how the title company reviews probate documents, evaluates risk through underwriting, and prepares the transaction for closing.

Continue to Step 7 → Title Company Review & Probate Underwriting

✅ Step 6 Checklist

☐ Certified Letters of Authority obtained
☐ Certified PC 682 requested
☐ Certified Death Certificate available
☐ Additional certified probate documents gathered if required
☐ Documents forwarded to the title company

📋 Progress Check

You have now completed:

✅ Purchase Agreement Signed
✅ Court Approval Package Prepared
✅ PC 681 Petition Submitted
✅ PC 561 Waivers & Consents Completed
✅ PC 682 Court Approval Granted
✅ Certified Probate Documents Collected

STEP 7 | Title Company Review & Probate Underwriting

Verifying the Estate Has Authority to Transfer Ownership

An Owner's Title Insurance Policy is a standard part of nearly every real estate transaction and helps protect the buyer's ownership rights after closing. In a probate sale, the title company must complete additional underwriting to verify the Personal Representative's authority and ensure the estate has satisfied all probate requirements before issuing the policy.

Providing certified copies of the Letters of Authority, Death Certificate, PC 682, PC 561 help demonstrate that interested parties have been properly notified and that required probate procedure has been completed. These additional steps help the title company issue the Owner's Title Policy with confidence while reducing the risk of delays before closing.

Once the Probate Court has approved the sale and the required certified documents have been gathered, the transaction moves into another critical stage—title review and probate underwriting.

For many Personal Representatives, this is one of the least visible parts of the process because much of the work takes place behind the scenes. While it may appear that little is happening, the title company is conducting a detailed legal review to confirm that ownership can be transferred safely and that the buyer will receive clear, insurable title.

Unlike a traditional real estate transaction, probate sales require the title company to review not only the property's ownership history, but also the Probate Court documents authorizing the sale.

The goal is to ensure that every legal requirement has been satisfied before closing can occur.

What Happens During This Step:

The title company's underwriting department reviews the transaction from both a real estate and probate perspective.

This review often includes:

🏠 Property ownership records

📄 Certified probate documents

⚖️ Probate Court orders

📜 Letters of Authority

💰 Existing mortgages or liens

📑 Purchase Agreement

🔍 Public record information

If questions arise, the underwriter may request additional documentation or clarification before approving the file. For many estates, this review is routine and helps ensure that the closing proceeds without unexpected title issues.

Why This Step Matters

The title company plays an important role in protecting both the buyer and the estate.

Before issuing title insurance and approving the closing, the underwriting department must verify that:

- The Personal Representative has legal authority to sell the property

- Probate Court requirements have been satisfied
- The court documents are complete and consistent
- There are no unresolved ownership issues
- The buyer can receive clear title to the property

Only after these items have been reviewed can the transaction continue toward closing.

Three Possible Underwriting Outcomes

✅ Outcome One

Approval Without Additional Requirements

- Probate authority is clear
- Required documents have been provided
- No title concerns exist

The transaction moves directly toward closing preparation.

📄 Outcome Two

Additional Documentation Requested

- Updated certified court documents
- Attorney clarification
- Additional probate records
- Supporting affidavits

These requests are common and do not necessarily indicate a problem with the transaction.

⚠️ Outcome Three

Additional Underwriting Review

- Questions regarding authority
- Missing heirs
- Prior objections
- Incomplete documentation
- Ownership concerns

When this occurs, the title company works with the probate attorney to resolve the issue before closing.

🏡 Brookstone Insight

Many Personal Representatives become concerned when the title company requests additional documentation. In most cases, these requests are simply part of the underwriting process.

The title company's responsibility is to reduce risk—not to question whether the estate should sell the property. Their goal is to confirm that every legal requirement has been satisfied before issuing title insurance.

⭐ Brookstone Pro Tip

Respond promptly to any requests from your probate attorney or title company during underwriting.

Even small items—such as an updated certified document or clarification regarding estate records—can help prevent unnecessary delays as closing approaches.

⚠️ Common Misconception

"If the title company asks for more documents, something must be wrong."

Not necessarily. Many probate transactions require additional documentation during underwriting. These requests are often routine and help ensure the buyer receives clear title and the estate is fully protected.

✅ Step 7 Checklist

☐ Title company receives certified documents
☐ Underwriting review begins
☐ Title search completed
☐ Additional documentation
☐ Transaction approved for

📋 Progress Check

You have now completed:

✅ Purchase Agreement Signed
✅ Court Approval Package Prepared
✅ PC 681 Petition Submitted
✅ PC 561 Waivers & Consents Completed
✅ PC 682 Court Approval Granted
✅ Certified Probate Documents Gathered
✅ Title Company Review & Underwriting

Next, you'll learn how the title company prepares the closing package, what happens before the closing appointment, and the final steps required before ownership officially transfers to the buyer.

Continue to Step 8 → Preparing for Closing Day

STEP 8 | Preparing for Closing Day

Finalizing the Details Before Ownership Transfers

After the Probate Court has approved the sale, title underwriting has been completed, and any remaining questions have been resolved, the transaction enters its final preparation stage.

At this point, the sale is nearing completion, but several important tasks must still be coordinated before the closing appointment can take place.

While much of this work happens behind the scenes, the title company, probate attorney, lender (if applicable), and real estate professionals continue working together to ensure that every document is accurate, every financial detail has been verified, and the transaction is ready to close. For many Personal Representatives, this stage brings a sense of relief. The legal and administrative work that began months earlier is now coming together, and the estate is approaching one of its final real estate milestones.

Why This Step Matters

Closing cannot occur until all legal, financial, and title requirements have been satisfied.

Before scheduling the closing appointment, the professionals involved must confirm that:

- Probate Court approval has been obtained
- Title underwriting has been completed
- Required documents have been received
- Mortgage payoff information is accurate
- Property taxes and other prorations have been calculated
- Closing documents have been prepared

Taking time to complete these final reviews helps reduce the risk of unexpected delays on closing day.

What Happens During This Step:

Settlement Statement

Provides a complete breakdown of the financial details of the transaction, including the purchase price, expenses, prorations, and final proceeds.

Closing Documents

Prepared by the title company for signatures at closing.

Coordinating with the buyer's lender

Confirm the buyer’s lender is ready to transfer funds.

Mortgage Payoff Information

Confirms the amount needed to satisfy any existing mortgage or lien on the property.

Recording Documents

Prepared for filing with the Register of Deeds after

Scheduling the closing appointment

Real Estate Professional coordinates closing date, time and location for all parties.

🏡 Brookstone Insight

Although the property may feel "sold" once an offer has been accepted, several important legal and financial steps must still be completed before ownership can officially transfer. The final preparation stage helps ensure that closing day proceeds as smoothly as possible.

⭐ Brookstone Pro Tip

Before the closing appointment, ask your real estate professional or title company whether there is anything you should bring, such as identification, certified probate documents, or other requested paperwork. Being prepared can help make the closing appointment quick and efficient.

⚠️ Common Misconception

"Once the closing is scheduled, everything is guaranteed to happen that day."

Scheduling a closing is an important milestone, but the transaction is not complete until all documents have been signed, funding has occurred (when applicable), and the title company has completed the closing process.

Next, you'll what officially happens on closing day, how ownership transfers to the buyer, when proceeds are distributed, and what responsibilities may remain before the probate estate is fully settled.

Continue to Step 9→ Closing Day: Completing the Probate Sale

✅ Step 9 Checklist

- ☐ Final title review completed
- ☐ Closing documents prepared
- ☐ Settlement statement reviewed
- ☐ Mortgage payoff verified
- ☐ Closing appointment scheduled

📋 Progress Check

You have now completed:

- ✅ Purchase Agreement Signed
- ✅ Court Approval Package Prepared
- ✅ PC 681 Petition Submitted
- ✅ PC 561 Waivers & Consents
- ✅ PC 682 Court Approval Granted
- ✅ Certified Probate Documents Gathered
- ✅ Title Company Review
- ✅ Closing Preparation Completed

STEP 9 | Closing Day: Completing the Probate Sale

The Final Step in Transferring Ownership

After Probate Court approval has been obtained, title requirements have been satisfied, and all closing preparations have been completed, the probate sale enters its final stage—closing day.

For many Personal Representatives, this moment represents the completion of one of the most important responsibilities involved in settling an estate.

However, closing day is not simply a meeting to sign paperwork. It is the final coordination point between the Personal Representative, title company, buyer, lender, attorney, and other professionals involved in the transaction.

Once all required documents are completed and the transaction is funded, ownership of the property transfers from the estate to the buyer.

At that point, the real estate portion of the probate process is complete.

Why This Step Matters

Closing day officially completes the transfer of ownership.

Once the transaction has closed:

🏡 The buyer becomes the legal owner of the property.

📄 The deed is recorded with the appropriate county office.

🛡️ Title insurance can be issued.

💰 Sale proceeds are distributed according to the closing instructions.

📁 The completed transaction documents become part of the estate records.

What Happens During This Step:

✍️ Final Documents Are Signed

The Personal Representative signs the necessary closing documents in their official capacity on behalf of the estate.

💰 Funds Are Disbursed

After all closing conditions have been satisfied, the title company distributes funds according to the settlement statement.

Common deductions may include:

- Mortgage payoff
- Real estate commissions
- Title fees
- Recording fees
- Property tax adjustments
- Other approved transaction expenses

📄 The Deed Is Recorded

Recording the deed creates the official public record showing the transfer of ownership.

Once recorded, the buyer officially owns the property.

📁 Closing Documents Are Delivered

The completed closing file may include:

- Settlement statement
- Recorded deed
- Title documents
- Probate-related closing documents
- Other transaction records

This milestone allows the Personal Representative to move beyond managing the property and focus on the remaining responsibilities of estate administration

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🏠 Brookstone Insight

Many Personal Representatives believe that closing day means they are "selling the house personally."

In reality, the estate is the seller. The Personal Representative is completing the final transaction steps on behalf of the estate using the authority granted through probate.

Understanding this distinction helps protect both the estate and the Personal Representative.

⭐ Brookstone Pro Tip

Before arriving at closing, confirm:

- ✅ Closing time and location
- ✅ Required identification
- ✅ Any documents you need to bring
- ✅ Whether additional signatures are required

A few minutes of preparation can help ensure the transaction moves smoothly.

⚠️ Common Misconception

"Once closing happens, the entire probate process is finished."

Closing completes the sale of the property. However, the estate may still need to address remaining financial obligations, accounting requirements, and distributions.

✅ Step 11 Checklist

- ☐ Closing appointment confirmed
- ☐ Required documents reviewed
- ☐ Closing documents signed
- ☐ Transaction funded
- ☐ Deed recorded
- ☐ Ownership transferred to buyer
- ☐ Closing documents retained with estate records

📋 Progress Check

You have now completed:

- ✅ Purchase Agreement Signed
- ✅ Court Approval Package Prepared
- ✅ PC 681 Petition Submitted
- ✅ PC 561 Waivers & Consents Completed
- ✅ PC 682 Court Approval Granted
- ✅ Certified Probate Documents Gathered
- ✅ Title Company Review
- ✅ Closing Preparation Completed
- ✅ Probate Property Sale Completed

Next, you'll learn what happens **after closing**, including how estate proceeds are handled, why an estate bank account is important, and how Personal Representatives manage funds before final distribution.

Continue to Step 10 → Beyond Closing: Managing Estate Sale Proceeds

STEP 10 | Beyond Closing: Managing Estate Sale Proceeds

What Happens to the Money After the Sale?

Congratulations—your probate real estate transaction has officially closed.
While the sale of the property is now complete, the Personal Representative's responsibilities often continue. One of the most important remaining duties is ensuring that the proceeds from the sale are handled properly and that estate funds are managed in accordance with the probate process.

Unlike a traditional home sale, where the seller typically receives the proceeds personally, money from a probate sale generally belongs to the estate, not to the Personal Representative or the individual heirs.

For that reason, the net proceeds from the sale are typically deposited into an estate bank account established specifically for administering the estate. This account becomes the central location for receiving sale proceeds, paying approved estate expenses, maintaining financial records, and ultimately distributing remaining assets according to the probate process.

Why This Step Matters

The Personal Representative has a fiduciary duty to protect estate assets and maintain accurate financial records throughout the administration of the estate.

A dedicated estate bank account helps:

- ✅ Keep estate funds separate from personal finances
- ✅ Create a clear record of every deposit and payment
- ✅ Simplify estate accounting
- ✅ Help ensure estate obligations are paid appropriately
- ✅ Protect the Personal Representative from questions about how estate funds were handled

Maintaining this separation is one of the simplest—and most important—ways to properly administer an estate.

🏦 How Do You Open an Estate Bank Account?

Once the Probate Court has appointed the Personal Representative, opening an estate bank account is generally a straightforward process.

📋 Documents Commonly Required

- Certified Letters of Authority
- Certified death certificate
- Employer Identification Number (EIN) for the estate, issued by the IRS
- Government-issued photo identification
- Completed bank account application

🏦 Choosing a Bank

Many Personal Representatives choose to open the estate account:

- At the bank where the deceased already maintained accounts
- At a local bank or credit union
- At a financial institution recommended by their probate attorney or accountant

💳 Naming the Account

The account should generally be opened in the name of the estate—not in the Personal Representative's personal name. Examples include **Estate of Jane Smith.**

What Happens to the Sale Proceeds?

After closing, the title company distributes funds according to the final settlement statement.

Depending on the circumstances of the estate, sale proceeds may later be used to:

💰 Pay valid estate debts

⚖️ Pay approved attorney or professional fees

🏠 Cover remaining property expenses or taxes

📑 Complete estate accounting

👪 Make distributions to heirs or beneficiaries when appropriate

The timing and order of these payments vary depending on the estate and should be discussed with your probate attorney.

Estate Funds Are Not Personal Funds

One of the most important responsibilities of a Personal Representative is keeping estate money completely separate from personal finances.

Generally, estate funds should **not** be:

❌ Deposited into a personal checking or savings account

❌ Used to pay personal expenses

❌ Distributed to heirs before appropriate legal guidance

Keeping accurate records protects both the estate and the Personal Representative throughout the probate process.

🏡 **Brookstone Insight**

One of the most common misconceptions is that the Personal Representative receives the sale proceeds personally.

In most probate estates, that is **not** the case.

The proceeds generally belong to the estate and remain under estate control until outstanding obligations have been satisfied and distributions are authorized.

Proper recordkeeping and careful management of estate funds help protect everyone involved throughout the remainder of the probate process.

⭐ Brookstone Pro Tip

Open the estate bank account as early as practical after receiving your Letters of Authority.

Having the account established before closing can help avoid delays in receiving the sale proceeds and make it easier to manage estate finances from the beginning.

⚠️ Common Misconception

"Once the house sells, the heirs immediately receive the money."

Reality

In many probate estates, sale proceeds are first deposited into the estate bank account. From there, the Personal Representative works with the probate attorney to satisfy any remaining obligations before the remaining funds are distributed to heirs or beneficiaries.

✅ Step 13 Checklist

- ☐ Estate bank account established
- ☐ Required banking documents gathered
- ☐ Sale proceeds deposited into the estate account
- ☐ Estate funds kept separate from personal funds
- ☐ Estate expenses tracked and documented
- ☐ Final distributions made when appropriate

📋 Progress Check

You have now completed the full journey—from accepting an offer to closing the sale and understanding what typically happens to the proceeds afterward.

You're ready for the final summary and additional resources in the **Brookstone Probate Library™.**

This guide is intended for educational purposes only and is not a substitute for legal, tax, or financial advice. Probate procedures and requirements may vary based on the circumstances of each estate.

🎉 Congratulations

You Have Completed the Probate Sale Journey

From Accepted Offer to Closing

Selling a probate property involves much more than simply accepting an offer and attending a closing.

Throughout this guide, you have followed the complete journey of a court-approved probate real estate transaction—from the moment an offer is accepted, through Probate Court approval, title review, closing, and the management of estate proceeds afterward.

While every estate is unique, understanding the overall process helps reduce uncertainty, prepare for each milestone, and allow Personal Representatives to make informed decisions with confidence.

The probate process may seem complicated at first, but it follows a structured path.

With the right information and the right professionals involved, each step becomes easier to understand and navigate.

A Final Word for Personal Representatives

Serving as a Personal Representative is an important responsibility.

Whether you are handling the estate of a parent, spouse, family member, or another loved one, you are often making decisions during a difficult and emotional time.

You may be balancing legal responsibilities, family expectations, financial decisions, and the desire to honor the wishes of someone important to you.

That responsibility can feel overwhelming.

The purpose of this guide was not simply to explain a real estate transaction.

It was to provide clarity during a process that many families experience only once.

⭐ Our Commitment to Personal Representatives

At **Brookstone Realtors Probate Division**, our role goes beyond helping families sell real estate.

We believe education is one of the most valuable services we can provide.

A Personal Representative should never feel like they are trying to navigate probate alone or wondering what happens next.

Through the Brookstone Probate Library™, we provide guides, checklists, and resources designed to help families better understand the process and make informed decisions.

Our commitment is simple:

Provide clarity.

Protect estate assets.

Guide families forward.

📚 Continue Exploring the Brookstone Probate Library™

The sale of real estate is often one of the largest responsibilities involved in settling an estate, but it is only one part of the probate process. Explore additional resources designed to help Personal Representatives throughout the journey.

🏡 BROOKSTONE PROBATE LIBRARY™

Probate Home Value Guide

Understanding True Market Value

One of the most important and often most misunderstood parts of the probate process is determining what the property is actually worth in today's market. For many families, this is the first time they have had to think about real estate value in a formal or structured way, and it is common to assume there is only one "value" attached to a home. In reality, there are several different types of value, and each serves a different purpose.

Understanding these differences early in the process helps create clarity, reduces confusion, and supports better decision-making throughout probate. It also provides a more realistic foundation for any decisions related to the property, including whether to repair, hold, or sell.

Different Types of Property Value

When discussing real estate in probate, it is important to understand that not all valuation methods measure the same thing or serve the same purpose.

Tax Assessed Value is the value assigned by the local municipality for the purpose of calculating property taxes. This figure is often based on formulas and periodic updates rather than real-time market conditions. As a result, it may not accurately reflect what the property would sell for in the current market.

Appraised Value is a professional estimate of value provided by a licensed appraiser. This valuation is typically based on comparable sales in the area, along with the condition, size, and features of the property. While more accurate than tax value, it still represents a snapshot in time and may not always match actual buyer demand.

Market Value represents what a ready, willing, and able buyer is currently willing to pay for the property in today's market conditions. This value is influenced by local demand, inventory levels, interest rates, and the specific condition of the home. In most probate situations, this is the most practical and relevant measure of value.

Why Market Value Matters Most in Probate

In a probate context, market value is often the most useful and realistic reference point because it reflects actual buyer behavior rather than administrative or theoretical figures.

Unlike tax assessments or even some appraisals, market value is directly tied to current conditions in the real estate market. This includes how similar homes are selling, how quickly properties are moving, and what buyers are actively willing to pay at that moment in time.

Because probate decisions often involve timing, distribution of assets, or decisions about selling the property, understanding market value provides a clear foundation for moving forward in a practical and informed way.

How Early Valuation Helps Decision-Making

Gaining an understanding of property value early in the probate process can significantly improve clarity for everyone involved. It helps families understand what the estate is working with and provides context for decisions about whether any repairs or improvements are worth pursuing.

In some cases, knowing the market value early can also influence timing decisions, especially when considering whether to sell the property immediately or wait for a later stage in the probate process. It can also help identify whether holding costs are aligned with the overall goals of the estate.

Early valuation is not about rushing decisions—it is about creating a clear foundation so that future choices are made with accurate information rather than assumptions.

Reducing Confusion Among Heirs

One of the most valuable benefits of understanding property value early is that it helps reduce confusion or disagreement among heirs or interested parties. When multiple individuals are involved in a probate estate, differing assumptions about value can sometimes lead to delays or uncertainty.

Having a clear, market-based understanding of value helps establish a common reference point. This makes discussions about selling, distributing, or managing the property more straightforward and reduces emotional or subjective interpretations of worth.

Key Takeaway

In probate, understanding true market value is essential for making informed decisions. While tax assessed value and appraised value may provide useful context, market value is typically the most relevant measure because it reflects real-time conditions and actual buyer demand. Establishing this understanding early helps guide decisions, reduce uncertainty, and support a smoother probate process.

Helpful Resources

🏠 Free Probate Home Value Report

📚 Brookstone Probate Library™

🛠️ Brookstone Vendor Network

🏡 BROOKSTONE PROBATE LIBRARY™

What is a CPRES Agent?

Specialized Guidance in Probate Real Estate

A Certified Probate Real Estate Specialist (CPRES) is a real estate professional who has received specific training and education focused on handling probate-related property transactions. These types of transactions are meaningfully different from traditional real estate sales because they take place within a court-supervised legal process and often require coordination between multiple parties, including attorneys, financial institutions, and heirs or beneficiaries.

In a typical real estate transaction, the process is primarily driven by buyer and seller agreement. In probate, however, the process is layered with additional legal requirements, documentation standards, and procedural steps that must be followed in order for the estate to remain in compliance with court expectations. Because of this, experience in probate-specific transactions is not just helpful—it can significantly impact the smoothness and efficiency of the entire process.

Understanding the Probate Real Estate Environment

Probate real estate involves more than simply listing and selling a home. It often requires ongoing communication with the probate court system and estate attorney, along with a clear understanding of legal documents such as Letters of Authority and court orders that define what actions are permitted at each stage of the process.

In many cases, there are also multiple decision-makers involved. This may include a Personal Representative as well as one or more heirs or beneficiaries who all have an interest in the outcome of the estate. Coordinating these perspectives while maintaining compliance with legal requirements is one of the more complex aspects of probate real estate.

Because of this structure, even small misunderstandings about process or timing can lead to delays. Having a professional who is familiar with how probate estates are administered and how probate real estate transactions differ from traditional home sales helps reduce those risks and keeps the process moving in a more organized and predictable manner.

How a CPRES Agent Supports the Process

A CPRES-designated agent typically plays a coordination-focused role within the probate process. Rather than simply listing a property, they help ensure that each step of the transaction aligns with the requirements of the estate and the court system.

This often includes helping the Personal Representative understand what documentation is required before listing the property, coordinating with the title company to ensure proper compliance, and communicating with attorneys when needed to confirm that all necessary approvals are in place. In some cases, they may also assist in structuring the sale timeline in a way that aligns with both market conditions and probate requirements.

In addition, a CPRES agent is often involved in helping families understand how decisions such as pricing, repairs, or timing may affect both the legal process and the final outcome of the estate. This guidance is especially valuable in situations where multiple heirs are involved or where there is uncertainty about how to proceed with the property.

Why Experience Matters in Probate Transactions

From a professional standpoint, attorneys and title companies often prefer working with agents who have experience in probate because it helps reduce friction in the process. When all parties understand the documentation requirements and procedural expectations, transactions tend to move more smoothly and with fewer delays.

Probate transactions require careful attention to detail, particularly when it comes to court approval requirements, contract structure, and closing procedures. A knowledgeable agent helps ensure that these elements are handled correctly the first time, reducing the likelihood of rework or avoidable complications later in the process.

This level of familiarity can make a meaningful difference in both timing and overall experience for the estate.

The Impact on Families and Decision-Making

Beyond the technical aspects, working with a CPRES agent also has a direct impact on the family experience during probate. These situations are often emotional and complex, and having someone who understands both the legal structure and the real estate process can help reduce stress and uncertainty.

Clear communication, structured guidance, and an understanding of the probate timeline all contribute to a more organized and manageable experience. This allows families to focus on making informed decisions rather than trying to interpret legal or procedural requirements on their own.

Key Takeaway

A CPRES agent brings specialized knowledge of probate real estate that helps ensure properties are handled correctly within the structure of the court system. Their role is focused on coordination, compliance, and guidance—helping to reduce delays, avoid common issues, and support better outcomes for the estate.

Helpful Resources

🏠 **Free Probate Home Value Report**

📚 **Brookstone Probate Library™**

🛠️ **Brookstone Vendor Network**

APPENDIX A | Brookstone Probate Form Files™

Understanding the Most Common Documents Used in a Probate Real Estate Sale

Selling real estate through probate involves more than accepting an offer and attending a closing. Throughout the process, Personal Representatives may encounter court filings, authorizations, orders, and other legal documents that are unfamiliar and sometimes difficult to understand.
The Brookstone Probate Form Files™ were created as a convenient reference library to help Personal Representatives better understand the purpose of the most common documents associated with a probate real estate transaction.

These resources are designed to provide clarity around questions such as:

- What is this document?
- Why is this document required?
- Who prepares or signs it?
- When does it typically appear in the probate sale process?
- How does it help move the estate closer to closing?

Probate documents can feel overwhelming because many Personal Representatives are reviewing these forms for the first time while also managing the responsibilities of settling an estate. Understanding the role of each document can make conversations with probate attorneys, title companies, court personnel, and real estate professionals much easier.

The purpose of this section is not to make Personal Representatives experts in probate law. Instead, it is designed to provide a basic understanding of how each document fits into the larger picture—from preparing the property for sale, obtaining necessary approvals, completing title requirements, and ultimately transferring ownership to the buyer.

Each form included in the Brookstone Probate Form Files™ is intended to serve as an educational reference tool. The specific documents required for an estate can vary depending on the type of probate administration, court requirements, and the advice of the estate's legal counsel.

Important: These materials are provided for educational purposes only and are not intended to replace legal advice from a qualified probate attorney. Personal Representatives should consult with their attorney regarding the specific requirements and procedures applicable to their estate.

How to Use This Section

As you move through the probate sale process, refer back to these form explanations whenever a document is introduced. Having a basic understanding of each form can help you feel more prepared, ask better questions, and make informed decisions throughout the transaction.

The goal is simple: to make the probate real estate process easier to understand—one document at a time.

Brookstone Probate Form File™

Letters of Authority

📌 Purpose

Letters of Authority are the official Probate Court document confirming that a Personal Representative has been appointed and has authority to act on behalf of the estate.

⚖️ Quick Facts

Document Type: Probate Court Appointment Document
Issued By: Probate Court
Used By: Personal Representative
Used During: Estate administration and real estate transactions
Purpose: Confirms legal authority to act for the estate

📍 Where It Fits

Probate Opened → 📄 Letters of Authority Issued → Property Management → Sale Process → Closing

---

📄 What It Confirms

Letters of Authority confirm:

✓ Personal Representative has been officially appointed
✓ Authority has been granted by the Probate Court
✓ Individual may act on behalf of the estate
✓ Estate transactions can be completed within that authority

🔗 Example Probate Document

📄 PC 572 — Letters of Authority

Brookstone Realtors Probate Division™
Helping Personal Representatives navigate probate real estate with clarity and confidence.

Brookstone Probate Form File™

Personal Property Inventory

📌 Purpose

A personal property inventory helps the estate identify, organize, and document household belongings before decisions are made regarding distribution, donation, sale, or removal.

⚖️ Quick Facts

Document Type: Estate Organization Tool
Prepared By: Personal Representative / Estate Family Members
Used During: Early estate administration
Purpose: Tracks household contents and important belongings
Related Resources: Estate Sale & Cleanout Guide

📍 Where It Fits

Probate Begins → 📄 Personal Property Inventory → Estate Decisions → Preparation for Sale

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📄 What It Helps Identify

A personal property inventory helps track:

✓ Important documents and records
✓ Jewelry, collectibles, and valuables
✓ Furniture and household items
✓ Items with sentimental or financial value
✓ Property requiring review before removal

🔗 Example Probate Document

📄 PC 577 — Personal Property Inventory

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Helping Personal Representatives navigate probate real estate with clarity and confidence.

Brookstone Probate Form File™

PC 681 — Petition for Approval of Sale of Real Estate

📌 Purpose

Formal request asking the Probate Court to approve the sale of estate-owned real property.

⚖️ Quick Facts

Prepared By: Probate Attorney
Filed With: Probate Court
Reviewed By: Probate Judge
Used: After accepted offer, before court-approved closing
Related Forms: PC 561 & PC 682

📍 Process Location

Accepted Offer → **PC 681 Filed** → Court Review → PC 682 Approved → Closing

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📄 Common Information Included

- Property details
- Purchase agreement terms
- Buyer information
- Estate information

🔗 Example Probate Document

📄 PC 681 — Petition for Approval of Sale of Real Estate

Brookstone Realtors Probate Division™
Helping Personal Representatives navigate probate real estate with clarity and confidence.

Brookstone Probate Form File™

PC 682 — Order Regarding Sale of Real Estate

📌 Purpose

Court order approving the sale of estate-owned real property when Probate Court approval is required.

⚖️ Quick Facts

Prepared By: Probate Attorney
Approved By: Probate Judge
Used: After PC 681 review
Purpose: Authorizes the approved sale
Related Forms: PC 681 & PC 561

📍 Process Location

Accepted Offer → PC 681 Filed → **PC 682 Approved** → Title Review → Closing

---

📄 What It Confirms

✓ Court reviewed and approved the proposed sale
✓ Personal Representative has authority to proceed
✓ Estate may move forward toward closing

🔗 Example Probate Document

📄 PC 682 — Order Regarding Sale of Real Estate

Brookstone Realtors Probate Division™
Helping Personal Representatives navigate probate real estate with clarity and confidence.

Brookstone Probate Form File™

PC 561 — Waiver & Consent

📌 Purpose

The PC 561 is a document used to confirm that interested persons have received notice of a probate action and, when applicable, consent to the request being presented to the Probate Court.

⚖️ Quick Facts

Document Type: Probate Court Form
Prepared By: Probate Attorney
Signed By: Interested Persons
Used During: Court approval process
Purpose: Documents notice and consent regarding estate actions

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📍 Where It Fits

Accepted Offer → PC 681 Filed → 📄 PC 561 Completed → PC 682 Approved → Closing

---

📄 What It Confirms

The PC 561 helps document that:

✓ Interested persons received required notice
✓ Parties are aware of the proposed sale
✓ Objections may be waived when applicable
✓ The estate can move forward more efficiently

🔗 Example Probate Document

📄 PC 561 — Waiver & Consent

Brookstone Realtors Probate Division™
Helping Personal Representatives navigate probate real estate with clarity and confidence.

Brookstone Probate Form File™

Certified Death Certificate

📌 Purpose

A certified death certificate is an official document used to verify the passing of the property owner and support the probate and title review process.

⚖️ Quick Facts

Document Type: Certified Vital Record
Issued By: State or County Vital Records Office
Requested By: Authorized Individuals
Used During: Probate administration and closing preparation
Purpose: Verifies death of the estate owner
Related Documents: Letters of Authority & Probate Court Orders

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📍 Where It Fits

Death Occurs → 📄 Certified Death Certificate Obtained → Probate Process → Title Review & Closing

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📄 What It Confirms

The certified death certificate confirms:

✓ Identity of the deceased property owner
✓ Official date of death
✓ Required documentation for probate proceedings
✓ Support for title company review

🔗 Example Probate Document

📄 Certified Death Certificate

Brookstone Realtors Probate Division™
Helping Personal Representatives navigate probate real estate with clarity and confidence.

APPENDIX B | Probate Timeline & Process Checklist

Understanding the Probate Process

Every probate estate is different, and timelines can vary depending on the complexity of the estate, court requirements, family involvement, and whether real estate is involved.
This checklist provides a general overview of the common steps Personal Representatives may encounter while managing an estate and preparing a probate property for sale.

Phase 1 — Opening the Estate

⚖️ Probate Begins

☐ Determine whether probate is required
☐ File necessary documents with Probate Court
☐ Petition for Personal Representative appointment submitted
☐ Personal Representative appointed by the court
☐ Letters of Authority issued

Goal: Establish legal authority to manage estate matters.

Phase 2 — Understanding & Protecting Estate Assets

🏠 Property Review

☐ Identify estate-owned real property
☐ Confirm homeowner's insurance coverage
☐ Review mortgage, taxes, and HOA obligations
☐ Secure vacant property if necessary
☐ Begin personal property inventory

Goal: Protect estate assets while decisions are being made.

Phase 3 — Preparing the Property

📦 Property Decisions

☐ Review household contents
☐ Identify important documents and valuables
☐ Determine items for family distribution
☐ Coordinate donations, estate sale, or cleanout
☐ Evaluate property condition and needed preparation

Goal: Prepare the property for the next step.

Phase 4 — Understanding Property Value

💰 Real Estate Evaluation

☐ Determine current market value
☐ Review comparable sales
☐ Discuss repair vs. sell-as-is options
☐ Consider estate goals and timing
☐ Select real estate professional when appropriate

Goal: Make informed decisions regarding the property.

Phase 5 — Listing & Accepting an Offer

🏠 Real Estate Sale Process

☐ Property prepared for market
☐ Listing strategy determined
☐ Offers reviewed
☐ Purchase agreement accepted
☐ Attorney notified of accepted offer

Goal: Establish the terms of the proposed sale.

Phase 6 — Probate Sale Approval (If Required)

⚖️ Court Approval Process

☐ PC 681 Petition prepared
☐ PC 561 Waivers & Consents obtained if required
☐ Probate Court reviews request
☐ PC 682 Order approved

Goal: Obtain legal authorization to complete the sale.

Phase 7 — Title Review & Closing Preparation

🏢 Final Transaction Review

☐ Certified documents provided
☐ Title underwriting completed
☐ Closing documents prepared
☐ Settlement statement reviewed
☐ Final property responsibilities completed

Goal: Confirm the transaction is ready to close.

Phase 8 — Closing & Estate Settlement

🔑 Completing the Sale

☐ Personal Representative signs closing documents
☐ Buyer receives ownership
☐ Sale proceeds transferred according to closing instructions
☐ Estate obligations continue through final settlement

Goal: Complete the real estate transaction and continue estate administration.

⭐ Brookstone Insight

The probate process can feel overwhelming because many steps happen behind the scenes. Breaking the process into phases helps Personal Representatives understand what needs to happen now, what comes next, and which professionals are responsible for each part of the process.

Brookstone Probate Library™
Helping Personal Representatives understand the process, protect estate assets, and make informed real estate decisions.

APPENDIX C | Probate Terminology Quick Reference

Probate Process Terms

👤 Personal Representative (PR)

The individual appointed by the Probate Court to manage the estate and act on behalf of the deceased person's estate.

The Personal Representative is responsible for protecting estate assets, handling required tasks, and making decisions according to probate requirements.

🏡 Estate

The collection of assets, property, and obligations belonging to a person at the time of their death.

An estate may include real estate, bank accounts, personal property, investments, and outstanding debts.

📁 Probate Estate

The portion of a deceased person's assets that must be handled through the probate process.

This may include real estate and other assets requiring court oversight before they can be transferred, sold, or distributed.

🏛️ Probate Court

The court responsible for overseeing the administration of an estate.

Probate Court may appoint the Personal Representative, review required filings, and approve certain estate actions, including real estate sales when required.

👥 Interested Person

An individual who has a legal interest in the estate.

This may include heirs, beneficiaries, creditors, or other individuals identified under probate law who may have rights related to the estate.

👪 Heir

A person who may be entitled to inherit from an estate under Michigan law, particularly when someone passes away without a valid will.

An heir's rights depend on the circumstances of the estate and applicable laws.

📜 Beneficiary

A person or organization named in a will, trust, or other estate planning document to receive assets from an estate.

A beneficiary may or may not be the same person as an heir.

⚖️ Fiduciary Duty

The legal responsibility of the Personal Representative to act in the best interest of the estate and its interested parties.

This includes protecting assets, maintaining accurate records, and making decisions responsibly.

📄 Letters of Authority

The official Probate Court document confirming that a Personal Representative has been appointed and has authority to act on behalf of the estate.

This document is often required by banks, title companies, and other professionals before estate actions can be completed.

📝 Testate vs. Intestate

Testate: A person passes away with a valid will.

Intestate: A person passes away without a valid will, and state law determines how assets are handled.

⭐ Brookstone Insight

Many probate questions become easier once the roles are clear. The Personal Representative manages the estate, the attorney provides legal guidance, and professionals such as title companies and real estate agents help complete specific parts of the process.

Real Estate Probate Terms

🏠 Real Property

Real property refers to land and anything permanently attached to it, such as a home, garage, or other structures.

In probate, real property is often one of the largest assets requiring valuation, maintenance, and possible sale.

📦 Personal Property

Personal property includes items inside the home that are not permanently attached to the structure.

Examples may include furniture, household belongings, appliances, documents, collectibles, and other personal items.

💰 Market Value

Market value is the estimated price a property may reasonably sell for under current market conditions.

It is based on factors such as location, condition, comparable sales, and buyer demand.

🏷️ Tax Assessed Value

Tax assessed value is the value assigned to a property for property tax purposes.

It is not the same as market value and should not be used as the sole indicator of what a property may sell for.

📊 Appraisal

An appraisal is a professional opinion of a property's value prepared by a licensed appraiser.

Appraisals may be used for lending, estate purposes, or other financial decisions depending on the circumstances.

📝 Purchase Agreement

A purchase agreement is the contract between the buyer and seller outlining the terms of a real estate transaction.

It typically includes the purchase price, closing date, contingencies, and other conditions of the sale.

⚖️ Court Approval

Court approval is the process of obtaining authorization from the Probate Court before completing certain estate actions.

For some probate real estate transactions, the accepted offer must be reviewed and approved by the court before closing can occur.

📄 Petition for Approval of Sale

A petition requesting that the Probate Court authorize the sale of estate-owned real property.

This document explains the proposed transaction and provides the information needed for the court's review.

📋 Order Regarding Sale of Real Estate (PC 682)

The Probate Court order approving the sale of estate real property when court approval is required.

This document confirms that the estate has authorization to proceed with the approved transaction.

🏢 Title Company

A title company reviews ownership records, legal documents, and transaction requirements to confirm that ownership can be transferred properly.

The title company also issues title insurance protecting the buyer and lender from covered title issues.

🔍 Title Review

The process where the title company examines ownership records, liens, probate documents, and other requirements before closing.

Probate transactions often require additional review to confirm the Personal Representative has authority to sell the property.

🛡️ Underwriting

The title company's review process used to evaluate risk and determine whether title insurance can be issued.

The underwriter may request additional documentation before approving the transaction for closing.

🔑 Closing

Closing is the final stage of the real estate transaction when documents are signed, ownership transfers to the buyer, and sale proceeds are distributed according to closing instructions.

For probate sales, closing occurs after required court, title, and transaction requirements have been satisfied.

⭐ Brookstone Insight

Probate real estate involves more than simply finding a buyer. Understanding how valuation, court approval, title review, and closing work together helps Personal Representatives make informed decisions and avoid unnecessary delays.

Probate Document Terms

📋 PC 681 — Petition for Approval of Sale of Real Estate

A document submitted to the Probate Court requesting approval to complete the sale of estate-owned real property.

The petition provides the court with details about the proposed transaction, including the property, purchase agreement, and sale terms.

📄 PC 561 — Waiver & Consent

A document used to show that interested persons have received notice of a probate action and, when applicable, consent to the request being presented to the court.

Proper documentation helps demonstrate that the estate is moving forward without unnecessary objections or delays.

📜 PC 682 — Order Regarding Sale of Real Estate

The Probate Court order approving the sale of estate-owned real property when court approval is required.

Once signed by the Probate Judge, this order provides authorization for the Personal Representative to proceed with the approved transaction.

📑 Certified Copy

An official copy of a document verified by the issuing authority as a true and accurate copy of the original record.

Certified copies are often required by courts, title companies, and financial institutions because they provide official verification.

🕊️ Certified Death Certificate

An official government-issued record confirming the death of the property owner.

This document is commonly used during probate administration and title review to verify ownership and estate requirements.

📄 Letters of Authority

A Probate Court document confirming that a Personal Representative has been appointed and has authority to act on behalf of the estate.

Title companies and other professionals commonly review this document before allowing estate transactions to proceed.

💵 Settlement Statement

A document prepared before closing showing the financial details of a real estate transaction.

It typically outlines the purchase price, expenses, credits, payoffs, fees, and final proceeds from the sale.

🖊️ Deed

A legal document used to transfer ownership of real property from the seller to the buyer.

In a probate sale, the deed is signed by the Personal Representative acting on behalf of the estate.

📬 Notice

A formal communication required in certain probate situations to inform interested parties about important estate actions.

Proper notice helps ensure that individuals with legal rights have an opportunity to respond when required.

🛡️ Bond

A financial protection requirement that may be ordered by the Probate Court in certain estate situations.

A bond is designed to protect the estate and interested parties against potential misuse of estate assets.

⭐ **Brookstone Insight**

Probate documents may seem overwhelming at first, but each document has a specific purpose. Understanding what each document does helps Personal Representatives communicate more effectively with attorneys, courts, title companies, and real estate professionals.

Brookstone Probate Library™
Helping Personal Representatives understand the process, protect estate assets, and make informed real estate decisions.