

Moxie Home Solutions

From Succession to Settlement: A Caring Guide to Inheriting Louisiana Real Estate



Guide to Inheriting Real Estate in Louisiana

What this guide is and how it will help you.

Losing a loved one is hard enough. And when a home or piece of property is left behind, families often find themselves facing new decisions they never expected to make—while they're still grieving.

This was created to help you understand what happens next when real estate is inherited in Louisiana. The path to inheritance can be confusing and it always involves succession, the legal term in Louisiana law (probate in other states) that lays out the path to legally establishing your ownership.

What is succession in Louisiana?

In most states, the legal process that happens after someone dies is called **probate**. In Louisiana, it's called **succession**.

Succession is the court process that legally transfers ownership of a deceased person's assets—such as a house or land—to their heirs. Until succession is completed, assets usually cannot be sold unless the will names an independent administrator/executor who has full authority to sell real estate in a succession without court approval. If an Independent executor is not named in the will, or there is no will, the estate can still be placed under independent administration if all heirs or, in the case of a will, legatees agree.

Succession is required when:

- Real estate or other assets are owned in the deceased person's name
- There are multiple heirs
- The property was not placed in a trust or transferred before death

When the estate value is less than \$125,000, a **small succession affidavit** may be used instead of a full court proceeding.

A **Louisiana succession attorney** can help determine which process applies. While succession can feel intimidating, it is a common and manageable process when handled step by step.

Under Louisiana **community property law**, If a spouse dies, the survivor's half-interest is intact while the deceased member's interest must be distributed through the will or, with no will, according to **intestate** provisions. The survivor usually will have the right to use the property through **usufruct**.

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Unlike most other states, Louisiana law does not recognize **joint tenancy with right of survivorship** (JTWROS) for real estate. Louisiana tradition is civil law rather than common. If there are multiple owners of a piece of real property when one owner dies, their share must pass through succession.

Surviving family members can avoid succession for real estate that is placed in a **revocable living trust**. All assets placed in a trust must be retitled in the name of the trust and at the death of the trustee will pass directly to heirs. If you're interested in learning more about living trusts, you should consult a Louisiana attorney.

Your first steps following a death.

In the days and weeks following a death, families are often focused on funeral arrangements and supporting one another. Property issues may not feel urgent—but here are a few steps to take immediately that will prevent problems later.

- Locate the will and estate docs.
- Secure the property. Change the locks, forward the mail and maintain the utilities.
- Notify all heirs. It's important to communicate to be sure everyone agrees on expectations.
- Identify a succession attorney. You need expert legal guidance.
- Get the financial docs. Mortgage statements, property tax bills, insurance.
- Obtain death certificates. You'll need several copies.

Staying organized early can make the process smoother later on. If something feels confusing or unfamiliar, that's completely normal.

Is there a will? Understanding heirs in Louisiana.

One of the first questions in succession is whether the person left a will.

If there **is a will**, the succession is called **testate**, and the property is distributed according to the instructions in that will—as long as it complies with Louisiana law.

If there **is no will**, the succession is **intestate**. In that case, Louisiana law determines who the heirs are. This often surprises families, especially when community property rules apply.

Louisiana has unique inheritance laws that may involve:

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- Surviving spouses
- Children (including from prior relationships)
- Other relatives if no immediate family exists

Because ownership may be shared among multiple heirs, decisions about the property must be made together. Understanding who the heirs are—and how ownership is divided—is an important early step.

Filing a succession in Louisiana.

Work with a Louisiana succession attorney to file the necessary court paperwork. The attorney prepares documents and submits them to the court on the family's behalf.

The process generally includes:

- Filing a petition for succession
- Listing assets, including the real estate
- Identifying heirs
- Obtaining a **Judgment of Possession**

The Judgment of Possession is a key document. It closes the succession and is evidence of the heirs' relationship to the deceased. It puts the heirs into possession of the property and transfers title. Once it is signed by the judge and recorded in the parish where the property is located, the heirs become the legal owners.

While timelines vary, many successions take several months. Delays are common and don't mean anything has gone wrong. The single most important thing heirs can do to expedite the process is to work together.

When Multiple Heirs Are Involved.

In Louisiana, inherited property is often owned by heirs together, in what's called **undivided ownership**. This means no single heir owns a specific portion of the house—everyone owns a share of the whole.

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- Major decisions typically require agreement from all heirs, but an independent executor or administrator can work alone.
- One heir usually cannot sell the property alone
- Disagreements can delay progress

In Louisiana, a **surviving spouse** does not always receive full ownership of the home. The spouse can receive **usufruct**, the right to live in or use the property. When there is no will, children inherit the **naked ownership** of the deceased separate property and their share of community property.

Children under the age of 24 at the time of death are **forced heirs** as are children of any age who are **permanently disabled**. The law states that one forced heir is entitled to one-quarter of the estate. Two or more forced heirs must receive one half.

Open communication and patience are important. When disagreements arise, families should explore options such as buyouts or mediation to create solutions before beginning the succession. Harmony is much less expensive than fighting.

Keep It or Sell It?

Some families choose to keep inherited property. Others decide to sell. Both choices are valid.

Families often consider:

- Emotional attachment
- Financial ability to maintain the property
- Time and distance
- The condition of the home
- Whether all heirs agree

Keeping a property means an ongoing effort. Selling means closure and liquidity. There is no single “right” answer to keep it or sell it. What matters most is choosing the option that brings peace and clarity—not additional stress.

The cost of holding an inherited property.

Even when no one is living in the home, inherited property still comes with ongoing expenses.

These may include:

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- Property taxes
- Insurance
- Utilities
- Lawn care and maintenance
- Repairs
- HOA and management fees

Vacant homes can also face risks such as vandalism or code violations.

Over time, these costs can reduce the value of the inheritance. Understanding the true cost of holding the property helps families make informed decisions—without guilt or pressure.

How Louisiana law handles estate debt.

In Louisiana debts don't automatically become your personal responsibility – but they do follow the estate and some follow the property itself.

Common items tied to an inherited property can include:

- Mortgage balances
- Property taxes
- Utility bills
- Outstanding credit card debt
- HOA dues
- Code enforcement fines
- Judgements or tax liens

These debts need to be accounted for correctly when the property is sold.

Letting go of an inherited property.

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Disposing of inherited real estate is rarely just a financial decision – it's an emotional one too, often stirring up a mix of emotions—grief, nostalgia, stress, and even guilt. The home may hold decades of memories, making decisions feel heavier than a typical sale, especially when family members are involved or timelines feel rushed.

Sorting through your loved one's belongings can be overwhelming. But you'll need to go through all the property and make hard decisions about what gets sold and what stays, perhaps donated or discarded. Take your time, consult with other heirs and don't rush.

It's common to feel torn between honoring a loved one's legacy and moving forward with practical next steps. Recognizing these emotions as a natural part of the process can help families move ahead with clarity, patience, and compassion for themselves and one another.

Sell to a cash buyer. The advantages are you'll close fast, often in days. You'll not need to clean the property, make repairs or updates. This is helpful when the home needs major work or funds are limited. It's also a stress reducer during an emotional time. However, the sale price will reflect the condition of the property and may be lower than the after-repair value.

List with a real estate agent. Potentially, the sale price will be higher, at market value. The agent will handle all marketing and negotiations. This is a good option for homes in decent condition. If repairs or updates are needed, staging is necessary and the longer selling timeline can create financial hardships for heirs who want a quick resolution. In those cases, listing the property can be exhausting or maybe prohibitive.

Make repairs or renovate before selling. You'll receive a higher selling price after the improvements and attract more traditional buyers. But this option requires upfront cash and time. The renovations could uncover hidden, unexpected issues and the distribution of proceeds to the heirs will be delayed.

Sell to another family member. This option keeps the property within the family and can be emotionally comforting. Flexible terms may be possible. But the possibility exists for tension or conflict among the heirs and financing may still be needed.

Rent the property instead of selling. Renting will generate ongoing income and it allows time before making a final decision. But maintaining rental property is a long-term responsibility and all maintenance, insurance and taxes continue. Family disagreements may arise over management and income.

Donate the property. There may be tax benefits when donating and it could be meaningful if donating aligns with the heirs' values. Donating avoids the selling process entirely but there will be no cash proceeds for heirs. Will need appraisals and legal considerations.

Each option has its own timeline, costs, and expectations. Understanding these differences helps families choose what works best for their situation. A common problem is an heir who has lived in the property often feels that they should continue to live in the property.

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Selling the real estate for cash as-is makes sense when:

- Repairs feel overwhelming
- The home needs significant work.
- There is substantial property clean up.
- Heirs live far away
- The family wants a quicker resolution
- Heirs can't agree on an acceptable distribution.

Selling for cash as is means you're not making repairs. The seller cannot legally hide known issues with the property or skip the required disclosures. However, heirs are not expected to be familiar with or to warrant the property's condition.

As-is cash sales typically involve fewer steps and less preparation and are very common in Louisiana successions. For many families, this provides quick financial relief during an already difficult time. A sale can often happen within 30 days with no fees or commissions to pay.

Watch for these red flags.

Be cautious if someone pressures you to sign quickly or won't explain the numbers clearly. If a prospective cash buyer doesn't give you a written offer, asks for upfront fees or discourages you from getting legal advice, be very wary of getting into an agreement. Insist on a written agreement. An oral real estate purchase agreement is invalid. Clarity and openness are always good signs.

You're allowed to

- Ask questions and get answers
- Take your time
- Choose simplicity
- Make practical decisions
- Get good advice

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If you feel stuck or unsure, support is available. Succession attorneys, title professionals, and trusted real estate advisors can help guide you through each step.

How Moxie Home Solutions Helps.

Moxie Home Solutions works with families who are navigating inherited real estate in Louisiana. Our role is to provide information, coordination, and options—without pressure.

We work alongside succession attorneys and title companies and purchase properties as-is. The sale process is simple and fast with no fees or commissions. We handle all the paperwork and details. This gives families flexible timelines and helps to simplify communication when multiple heirs are involved.

Families are never obligated to move forward. Our goal is simply to help people understand their options and act when they're ready.

Every family's situation is different. Some can move quickly and others take time – and that's okay.

Most importantly, give yourself grace. This process isn't just about property—it's about honoring a life, navigating change, finding peace and family harmony in the next chapter.

Please Note:

This Guide is for informational purposes only and is not intended to constitute legal advice. It does not replace a Louisiana succession attorney. It is meant to help you understand the process, the terms you may hear, and the options that are commonly available—so you feel less overwhelmed and more prepared. Laws may change, and each situation is unique. Consult a qualified Louisiana succession attorney for legal guidance.

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