The Hurst Group at KW Mojave

PROBATE & TRUST REAL ESTATE · HIGH DESERT, CALIFORNIA

Selling an Inherited Home in California: What to Expect

If you've inherited a home, you can sell it. Who signs and how long it takes depend on how the home was left to you. Here's what the process looks like, in plain English.

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The short answer

Homes held in a **living trust** usually sell like any other home, in a few months. Homes that go through **probate** need a court-appointed executor or administrator, and the sale can take longer and may need a judge's approval. You don't have to figure this out alone, and you don't have to decide anything this week.

Your attorney handles the legal side. We handle the house.

The first 30 days: protect the home

Your first job is keeping the house safe and its value intact while the legal paperwork gets started.

- [ ] **Secure it.** Change or rekey the locks and keep a list of everyone who has a key.
- [ ] **Call the insurance company.** Tell them the owner has passed away. Many standard policies limit coverage once a home sits empty, so ask whether you need a vacancy policy.
- [ ] **Keep the utilities on.** Power, water and gas protect the home from freezing pipes, pests and mold, and buyers will need them for inspections.
- [ ] **Keep paying the bills.** Mortgage, property taxes, HOA dues and insurance keep running. Talk to your attorney about paying them from estate funds.

- [ ] **Forward the mail** and watch for tax bills, HOA notices and lender letters.
- [ ] **Find the paperwork:** deed, will or trust, mortgage statements, tax bills, insurance policy and any warranties.
- [ ] **Take photos** of every room before anything is moved.

> **Hold off on** giving away or selling belongings, letting relatives move in, signing listing paperwork, or starting repairs until the person with legal authority is confirmed. Your attorney can tell you when that is.

Who can sell the home

How the home was titled decides who can sign and whether a court is involved. Your attorney will confirm which path applies.

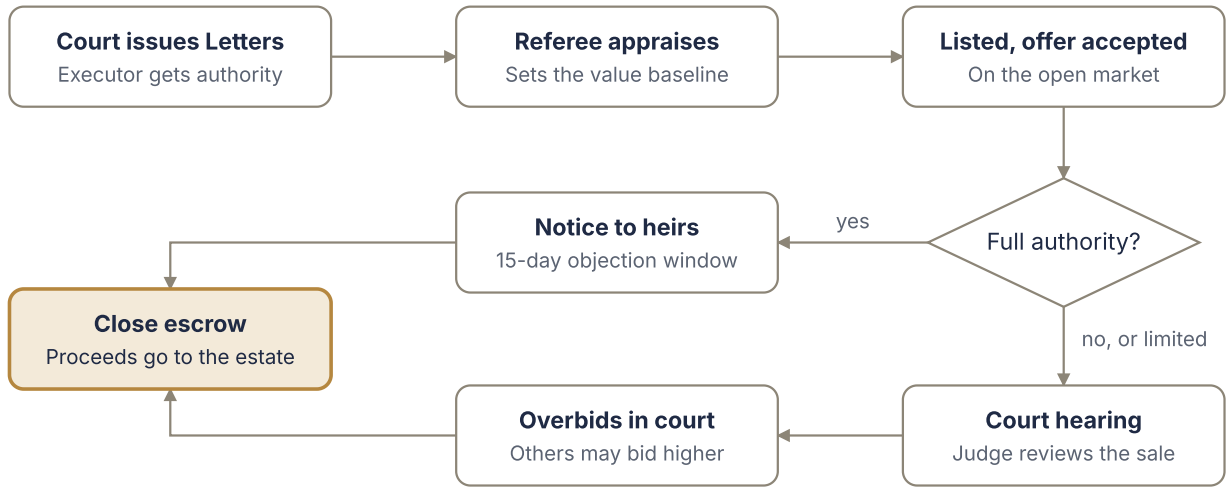
How the home was left	Who signs the sale	Court involved?	Good to know
In a living trust	The successor trustee	No	Usually the fastest path. The trustee follows the trust's instructions.
By will, or with no will (probate)	The executor or administrator named by the court	Yes	The court issues "Letters" giving authority. The sale may need a judge's approval.
Main home worth $750,000 or less	Heirs, after a simpler court petition	A short court step	California's primary-residence petition, available for deaths on or after April 1, 2025.
Real property worth $69,625 or less	Heirs, by affidavit	Minimal	Rare for a whole house in today's market.
Joint tenancy, community property with right of survivorship, or a transfer-on-death deed	The surviving owner or named beneficiary	No	Ownership usually passes by recording paperwork, such as an affidavit of death.

California updates these dollar limits every three years; the next update is April 1, 2028. Source: California Courts Self-Help.

The probate sale, step by step

Most probate sales in California follow one of two tracks, depending on how much authority the court gives the executor under the Independent Administration of Estates Act. Your attorney requests this authority early in the case.

With full authority, a probate sale skips the court hearing



The two probate sale tracks: full authority vs. limited authority with court confirmation.

1. **The court issues Letters.** This is the document that lets the executor or administrator act for the estate, including selling the home.
2. **A probate referee appraises the home.** The appraisal must be within one year of the sale and sets the price floor if the court has to approve the sale.
3. **We list the home and accept an offer.** Probate homes sell as-is. Instead of the standard Transfer Disclosure Statement, the estate discloses known problems it's aware of.
4. **Full authority:** the executor sends heirs a Notice of Proposed Action. If nobody objects within 15 days (shorter if everyone signs off), escrow can close.
5. **Limited authority, or no authority:** the sale goes to a court confirmation hearing. The price generally must be at least 90% of the appraised value. At the hearing, other buyers can overbid. The first overbid must be at least 10% of the first $10,000 of the accepted price plus 5% of the rest. Then the judge confirms the winning buyer and escrow closes.

> **Example:** on a $400,000 accepted offer, the first overbid in court would have to be at least $420,500 ($400,000 + $1,000 + $19,500).

Source: San Bernardino County Bar Association, Probate Real Estate Sales.

Selling from a trust

A trust sale skips the court, so it usually looks a lot like a regular sale. The successor trustee signs the listing, the offer and the escrow papers.

- **Paperwork first.** Escrow and the title company will ask for the trust (or a certification of trust), the death certificate and usually a recorded affidavit showing the trustee's authority.
- **Notice to beneficiaries.** California requires the trustee to notify beneficiaries and heirs after the death. Your attorney handles this, and it doesn't stop you from preparing the home.
- **No court hearing and no overbids.** The trustee and the buyer agree on terms like any other sale.
- **Disclosures still matter.** Trustees often don't have to fill out the standard Transfer Disclosure Statement, but they still need to tell buyers about known problems.
- **Keep beneficiaries in the loop.** Sharing the pricing and offers in writing heads off misunderstandings later.

Taxes and money

Two rules usually matter most: the step-up in basis, which can shrink capital gains tax, and Prop 19, which decides whether property taxes go up if a family member keeps the home. Talk to a CPA before you sign a listing agreement.

- **Step-up in basis.** For federal tax purposes, inherited property generally takes its value as of the date of death (IRS). If the home sells close to that value, there may be little or no capital gain. A surviving spouse with community property may get a step-up on the whole home. Your CPA can confirm.
- **Date-of-death value.** The probate referee's appraisal, or a broker's opinion of value or appraisal for a trust, documents this number. Keep a copy.

- **Prop 19 (keeping the home in the family).** A child who inherits a parent's home can keep the parent's lower property-tax value only if the child moves in as their main home within one year and files for the homeowners' exemption. The benefit is capped at the parent's taxed value plus about $1 million, adjusted over time (County Assessor). If no one moves in, the home is reassessed at market value, which usually means a higher tax bill.
- **Carrying costs.** Every month the home sits, the estate pays the mortgage, taxes, insurance, utilities and upkeep. Write these numbers down when you're deciding whether to sell, rent or keep the home.

How long it usually takes

A trust sale can often close within a few months. A probate sale depends on the court's calendar, so plan for a longer stretch. These are typical ranges, not promises. Court schedules in San Bernardino and Riverside counties change, and your attorney can give you a better estimate for your case.

Stage	Trust	Probate, full authority	Probate, court confirmation
Getting authority to sell	Days to a few weeks (paperwork)	Usually 1 to 3 months (petition and hearing)	Usually 1 to 3 months (petition and hearing)
Prep, listing and finding a buyer	About 30 to 90 days	About 30 to 90 days	About 30 to 90 days
Approval step	None	15-day notice period	Waiting for a court hearing date, often several weeks or more
Escrow	About 30 to 45 days	About 30 to 45 days	Typically closes within about 30 days after the court confirms the sale

The estate itself may stay open longer than the sale. The home can usually sell before the rest of the estate is settled.

Common questions

Do we have to fix up the house before selling?

No. Probate and trust homes often sell as-is. Sometimes a few low-cost steps, like a clean-out, yard cleanup or minor repairs, bring a better price. We'll show you the numbers both ways so you can decide.

Can one of us buy the house from the estate?

Often, yes. The price and process need to be fair to the other heirs, and in probate the court rules still apply. Ask your attorney early.

What if family members disagree about selling?

It happens. In probate, heirs can object to a Notice of Proposed Action, which sends the sale to court. Clear pricing data and written updates help everyone see the same facts.

Can we rent the home out instead?

You can, but renting brings landlord duties and may affect taxes and the estate's timeline. Weigh it with your attorney and CPA.

What happens to the belongings?

After the person with authority gives the OK, family usually takes what they want first, then an estate sale company and a haul-away service handle the rest. We can connect you with local vendors.

Is there still a mortgage, and do we have to pay it off now?

The loan doesn't disappear, but federal law generally stops lenders from calling the loan due just because a family member inherited the home. Keep making payments while the estate is settled, and let the lender know about the death.

How The Hurst Group helps

We take care of the house so you and your attorney can focus on the estate. That's what **Humans Over Houses** means to us.

- A free opinion of the home's value, which helps with planning and date-of-death records
- A walk-through with options: sell as-is, light prep, or keep or rent
- Help with the house itself: securing it, clean-out, estate sales, repairs, through vendors we trust
- Marketing and selling the home, plus probate paperwork such as offers on court terms and overbid preparation
- Written updates to your attorney, the trustee or executor, and the family

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We aren't attorneys or tax advisors. This guide is general information, not legal or tax advice. Every estate is different, and rules change, so please confirm the details with your attorney and CPA. Last reviewed October 2026.