A STEP-BY-STEP RESOURCE

THE CALIFORNIA PROBATE REAL ESTATE GUIDE

Understanding the process, the property, and what comes next.

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UNDERSTANDING THE CALIFORNIA PROBATE PROCESS

The California Probate Process

Eight key steps — and where real estate fits in.

A CLEARER PATH FOR WHAT COMES NEXT.

1 FILE PETITION

A petition is filed with the court to open probate.

2 COURT APPOINTS REPRESENTATIVE

The court appoints an executor or administrator.

3 IDENTIFY AND INVENTORY ASSETS

All estate assets are identified and valued, including real estate.

4 NOTIFY CREDITORS AND HEIRS

Required notices are sent, and creditors have time to make claims.

5 SELL REAL ESTATE

The property may be prepared and sold during probate, with the right authority and court approval when needed.

6 PAY DEBTS AND EXPENSES

Proceeds are used to pay valid creditor claims, court costs, taxes, and other estate expenses.

7 DISTRIBUTE REMAINING ASSETS

Remaining assets are distributed to heirs according to the will or state law.

8 CLOSE THE ESTATE

A final accounting is filed, and the court closes the estate.

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CALIFORNIA PROBATE BASICS

The Role of the Personal Representative

Serving as a personal representative (executor) is a fiduciary role. You are responsible for managing the estate in accordance with California law and the instructions in the will (or, if there is no will, state law). Key duties include:

1. **PROTECT ESTATE ASSETS**
   Take reasonable steps to safeguard and preserve estate property, including real estate, and maintain appropriate insurance.

2. **IDENTIFY AND INVENTORY ASSETS**
   Locate and compile a complete inventory of the decedent's assets, including real property, financial accounts, and personal property.

3. **NOTIFY INTERESTED PARTIES**
   Provide required notices to heirs, beneficiaries, and creditors, and comply with California probate court procedures.

4. **PAY DEBTS AND TAXES**
   Use estate funds to pay valid creditor claims, estate expenses, and applicable taxes (including final income tax returns).

5. **MANAGE ESTATE PROPERTY**
   Keep estate property in good condition, arrange for necessary maintenance and repairs, and address ongoing expenses such as utilities, insurance, and property taxes.

6. **OBTAIN PROPER AUTHORITY BEFORE SELLING**
   Follow court requirements and obtain necessary authority before selling or otherwise transferring estate real property.

7. **KEEP ACCURATE RECORDS**
   Maintain detailed records of all estate transactions, provide accountings to the court and beneficiaries, and keep receipts and documentation.

8. **DISTRIBUTE ASSETS AND CLOSE THE ESTATE**
   After all obligations are met, distribute assets according to the will or California intestacy laws and complete the probate process with the court.

WHERE REAL ESTATE FITS

Real property can be one of the estate's most significant assets — and one of the most demanding to manage.

Sam can help with:

- Evaluating the property's condition and market position
- Determining what preparation is worthwhile
- Coordinating contractors, cleanout and other property services
- Preparing, marketing and selling the property
- Keeping the real estate process moving alongside the probate process

My focus is the real estate side of probate. I work in collaboration with your attorney and other professionals to help you achieve your goals.

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UNDERSTANDING THE CALIFORNIA PROBATE PROCESS

PROBATE IN PROGRESS.
REAL ESTATE IN MOTION.

Where Real Estate Fits

Probate in progress. Real estate in motion.

In many cases, the personal representative can prepare the property for sale — and even sell it — while probate is still in progress. The estate does not have to be fully completed first.

This can help preserve value, reduce ongoing expenses, and provide funds for the estate when they are needed.

KEY POINTS

You can prepare the property
Make necessary repairs, clean out the home, and get it market-ready.

You can list and sell
With proper authority, the property can often be sold before probate is complete.

Proceeds are held for the estate
Sale proceeds remain in the estate and are distributed according to court approval and California law.

1. FILE PETITION
2. COURT APPOINTS REPRESENTATIVE
3. IDENTIFY ASSETS
4. NOTIFY CREDITORS
5. SELL REAL ESTATE
6. PAY DEBTS AND EXPENSES
7. DISTRIBUTE REMAINING ASSETS
8. CLOSE THE ESTATE

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Authority Can Change the Sale

The personal representative's authority determines what can be done — and how easily the property can be sold.

ONE PROPERTY.
TWO VERY DIFFERENT
PATHS TO SALE.

Full Authority

GREATER FLEXIBILITY

With full authority, the personal representative generally has broad powers to manage estate assets, including preparing, listing, and selling real estate, subject to any required court procedures.

- Can prepare the property for sale
- Can list and market the property
- Can negotiate and accept an offer
- May still need court confirmation, depending on the estate
- Common in many probate cases

Limited Authority

MORE RESTRICTIONS

With limited authority, the personal representative may need specific court permission before taking certain actions, such as selling, encumbering, or making significant changes to the property.

- May require a court order to list or sell
- May be limited in making repairs or improvements
- The sale process can take more time
- Often used in "special" or more complex situations
- Your real estate and legal teams can work together to navigate the requirements

THE BOTTOM LINE

Whether the personal representative has full or limited authority, real estate can often be prepared and, in many cases, sold while probate is still in progress. The key is understanding the type of authority and following the proper process.

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UNDERSTANDING THE CALIFORNIA PROBATE PROCESS

Preparing the Property for Sale

PROBATE CHANGES OWNERSHIP. PREPARATION CAN CHANGE VALUE.

1 Evaluate

UNDERSTAND THE PROPERTY'S CONDITION

- Assess overall condition and necessary repairs
- Identify safety, code, or permit issues
- Get contractor input and cost estimates
- Consider market factors and target buyers

2 Prioritize

FOCUS ON WHAT ADDS VALUE

- Address health and safety items first
- Tackle repairs that improve marketability
- Be strategic with budget and timeline
- Determine what can wait (if needed)

3 Prepare

GET THE PROPERTY MARKET-READY

- Complete repairs and improvements
- Clean, declutter, and consider staging
- Resolve permit issues where appropriate
- Make the property show-ready

4 Market & Close

FOR SALE

BRING IT TO MARKET AND GET RESULTS

- Price based on current market conditions
- List and market to qualified buyers
- Negotiate offers with proper authority
- Move through escrow and close the sale

KEY TAKEAWAY

In many cases, the property can be prepared and sold while probate is still in progress. The key is a practical plan, the right professionals, and proper authority.

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A COORDINATED APPROACH TO PROBATE REAL ESTATE

You Don’t Have to Do This Alone.

I work with a trusted network of local professionals to help you move from inheritance to a successful sale.

- Trusted local professionals
- Clear communication
- A smoother, more efficient process
- Focused on your real estate goals

My role is to coordinate the real estate side of the process, connect you with qualified professionals, and help you achieve the best possible outcome.

MANY MOVING PARTS.
ONE COORDINATED REAL ESTATE PLAN.

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A CONVERSATION IS A GOOD PLACE TO START

Questions About an Inherited Property?

You don't need to have every decision made before starting the conversation. Sam can help you understand where the property stands, what may need attention, and what makes sense as a next step.

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