



Sacramento
Probate Homes

A FREE PLAIN-ENGLISH GUIDE

Selling a House in Probate *in California*

What executors, trustees and heirs need to know, from the first weeks
after a loss to the closing table.

Bart Hubbard · C.A.R. Certified Probate & Trust Specialist · (916) 908-4101

General information, not legal or tax advice. Bartrand Hubbard is a licensed California real estate associate, not an attorney or tax advisor. Talk with a California probate attorney or CPA before acting. HomeSmart ICARE Realty · DRE #01815497.



THE BIG PICTURE

The California probate roadmap

Probate is the court process that transfers what someone owned when they died. California courts say formal probate “typically takes 9 to 18 months,” but the house usually sells well before the estate closes.

1

Petition filed

An heir or the named executor asks the probate court to open the estate.

2

First hearing

Set 15 to 30 days after filing, or 30 to 45 days on request.

3

Letters issue

The court's appointment takes effect. Only now can anyone act for the estate.

4

Inventory & creditors

Inventory due within 4 months of letters; creditors have the later of 4 months or 60 days after notice.

5

The house sells

Usually any time after letters, by Notice of Proposed Action or court confirmation.

6

Final distribution

The court approves the final account, and heirs receive their shares.

9–18

months for a typical formal probate, per the California Courts Self-Help Guide

0

authority to sell, list or sign anything until the court issues **letters** (Probate Code 8400)



READ THE FULL ARTICLE

How Long Does Probate Take in Sacramento County?

sacramentoprobatehomes.com/how-long-does-probate-take-sacramento-county/

Sources: California Courts Self-Help Guide, Formal Probate; Cal. Probate Code §§ 8003, 8400, 8800, 9100.

(916) 908-4101

sacramentoprobatehomes.com

bart@barttheagent.com

General information, not legal or tax advice. Bartrand Hubbard is a licensed California real estate associate, not an attorney or tax advisor. Talk with a California probate attorney or CPA before acting. HomeSmart ICARE Realty · DRE #01815497.



STEP ONE

The first weeks: before probate starts

Nobody can sell the house yet, but there is a short list of useful things you can do. The legal part waits. The practical part does not.

You can

- Rekey the locks, forward the mail, keep power and water on
- Tell the insurer the house is vacant: coverage can lapse after 60 days
- Notify the mortgage servicer and keep payments current
- Photograph every room before anything leaves
- Find out whether probate is needed at all

You can't, yet

- Sign a listing or accept an offer
- Transfer title or distribute property
- Clear out the house before an inventory exists
- Remove an occupant or rent the home without an attorney's advice

Gather one folder

- | | |
|---|---|
| ☐ Several certified death certificates | ☐ The will, codicils and any trust |
| ☐ The grant deed and any TOD deed | ☐ Mortgage, HELOC and tax bills |
| ☐ Homeowner's insurance policy | ☐ Bank and retirement statements |
| ☐ Names and addresses of all heirs | ☐ Bills, liens, Medi-Cal letters |



READ THE FULL ARTICLE

What to Do Before Probate Starts

sacramentoprobatehomes.com/before-probate/

Sources: Cal. Probate Code § 8400; Cal. Insurance Code § 2071; 12 CFR 1024.38.

(916) 908-4101

sacramentoprobatehomes.com

bart@barttheagent.com

General information, not legal or tax advice. Bartrand Hubbard is a licensed California real estate associate, not an attorney or tax advisor. Talk with a California probate attorney or CPA before acting. HomeSmart ICARE Realty · DRE #01815497.



STEP TWO

Do you even need probate?

It depends on how the house was titled and what it is worth. Pull the most recent recorded deed before assuming anything.

If the house...	What may apply
Living trust	The successor trustee sells without court, if the deed is in the trust's name.
Surviving spouse	A spousal property petition can make full administration unnecessary.
Joint tenancy	Title clears with an affidavit and a certified death record.
Transfer-on-death deed	Passes outside probate if signed, witnessed, notarized and recorded within 60 days.
\$750,000 home petition	For deaths on or after April 1, 2025: a primary residence worth up to \$750,000, after 40 days.
Small-value real property	Up to \$69,625 by affidavit, no sooner than six months after the death.

These limits are gross, not net. A \$700,000 house with a \$500,000 mortgage counts as \$700,000. You are "not allowed to subtract the debts of the person who died."



READ THE FULL ARTICLE

Do You Have to Go Through Probate to Sell an Inherited House?

sacramentoprobatehomes.com/do-you-need-probate-to-sell-inherited-house-california/

Sources: Cal. Probate Code §§ 210, 5624, 5626, 13151, 13200, 13650, 16226; Judicial Council Probate Code 890 adjusted amounts; California Courts Self-Help.

(916) 908-4101

sacramentoprobatehomes.com

bart@barttheagent.com

General information, not legal or tax advice. Bartrand Hubbard is a licensed California real estate associate, not an attorney or tax advisor. Talk with a California probate attorney or CPA before acting. HomeSmart ICARE Realty · DRE #01815497.



STEP THREE

No will? Who inherits the house

When there is no will, California's intestate succession rules decide who inherits, and the court appoints an administrator to manage the estate and any sale.

With a surviving spouse

- Spouse receives the decedent's half of **community** property, so the spouse ends up with all of it
- Of **separate** property, the spouse gets all, one-half or one-third, depending on children, parents and siblings

With no surviving spouse

1. Children and descendants
2. Parents
3. Siblings and their descendants
4. Grandparents or their descendants
5. More distant relatives

ILLUSTRATIVE EXAMPLE

A \$600,000 house, a wife and two adult children. If it was his **separate** property, each of the three receives **\$200,000**. If it was **community** property, the wife receives the **entire house**. Same house, very different result.

Nobody is automatically in charge. Not the oldest child, not the one living in the house. The court appoints the administrator, starting with the spouse, then children (Probate Code 8461). A probate attorney is strongly recommended.



READ THE FULL ARTICLE

What Happens to the House If There's No Will in California?

sacramentoprobatehomes.com/house-no-will-california-intestate/

Sources: Cal. Probate Code §§ 6401, 6402, 8400, 8461.

(916) 908-4101

sacramentoprobatehomes.com

bart@barttheagent.com

General information, not legal or tax advice. Bartrand Hubbard is a licensed California real estate associate, not an attorney or tax advisor. Talk with a California probate attorney or CPA before acting. HomeSmart ICARE Realty · DRE #01815497.



STEP FOUR

How a probate sale works

The letters say how much authority the personal representative has under the Independent Administration of Estates Act (IAEA). That one checkbox shapes the whole sale.

Full IAEA authority

- No court hearing for the sale
- Heirs get a **Notice of Proposed Action** at least **15 days** before closing
- An objection sends the sale to court

Limited or no authority

- Notice of sale is published
- Offer must be at least **90%** of an appraisal made within the past year
- A judge confirms the sale, and others may **overbid** in open court

THE OVERBID FORMULA

A new bid must beat the accepted offer by 10% of the first \$10,000 plus 5% of the rest. On a **\$500,000** accepted offer: $\$500,000 + \$1,000 + \$24,500 =$ a minimum first overbid of **\$525,500**.

The probate referee appraises the house for the estate inventory, due within four months after letters issue. The fee is 0.1% of the value, from \$75 up to \$10,000.



READ THE FULL ARTICLE

How a Probate Home Sale Works in California

sacramentoprobatehomes.com/probate-sale-process/

Sources: Cal. Probate Code §§ 8800, 8961, 8963, 10300, 10309, 10311, 10501, 10503, 10586; Judicial Council form DE-150.

(916) 908-4101

sacramentoprobatehomes.com

bart@barttheagent.com

General information, not legal or tax advice. Bartrand Hubbard is a licensed California real estate associate, not an attorney or tax advisor. Talk with a California probate attorney or CPA before acting. HomeSmart ICARE Realty · DRE #01815497.



STEP FIVE

Selling a home held in a trust

Usually, no judge is involved. A successor trustee can sell a house held in a living trust without a confirmation hearing, published notice or overbid, unless the trust itself requires it.

1

Confirm the deed

The house must actually be titled in the trust. A house left in the parent's own name may need a court process after all.

2

Serve notice in 60 days

The trustee notifies beneficiaries and heirs within 60 days of the death. Contests are barred 120 days after service.

3

List and sell

The trustee signs the listing, accepts the offer and signs the deed, often using a **certification of trust** instead of the full document.

60

days to serve the trustee's notice after the death (Probate Code 16061.7)

120

days after that notice, a trust contest is generally barred

Trustees still owe duties. A fair price and good records matter, because the trustee answers to every beneficiary.



READ THE FULL ARTICLE

Can You Sell a House Held in a Trust Without Going to Court?

sacramentoprobatehomes.com/sell-house-in-trust-without-court-california/

Sources: Cal. Probate Code §§ 850, 16061.7, 16226, 17209, 18100.5.

(916) 908-4101

sacramentoprobatehomes.com

bart@barttheagent.com

General information, not legal or tax advice. Bartrand Hubbard is a licensed California real estate associate, not an attorney or tax advisor. Talk with a California probate attorney or CPA before acting. HomeSmart ICARE Realty · DRE #01815497.



STEP SIX

What probate costs

California sets executor and attorney fees by the same formula, figured on the **gross** value of the estate. You can estimate them before you file.

Statutory fee, each

First \$100,000	4%
Next \$100,000	3%
Next \$800,000	2%
Next \$9 million	1%
Next \$15 million	0.5%

The executor and the attorney are each entitled to this amount.

On a \$600,000 estate

Executor fee	\$15,000
Attorney fee	\$15,000
Probate referee (0.1%)	\$600
First filing fee (2026)	\$435
Before extras	\$31,035

Plus publication, holding costs and any court-approved extraordinary fees.

The mortgage does not lower the fees. The law computes them “without reference to encumbrances,” so a \$600,000 house with a \$400,000 loan still produces \$30,000 in statutory fees.



READ THE FULL ARTICLE

How Much Are Executor and Attorney Fees in a California Probate?

sacramentoprobatehomes.com/california-probate-executor-attorney-fees/

Sources: Cal. Probate Code §§ 8961, 8963, 10800, 10801, 10810; Judicial Council Statewide Civil Fee Schedule eff. Jan. 1, 2026.

(916) 908-4101

sacramentoprobatehomes.com

bart@barttheagent.com

General information, not legal or tax advice. Bartrand Hubbard is a licensed California real estate associate, not an attorney or tax advisor. Talk with a California probate attorney or CPA before acting. HomeSmart ICARE Realty · DRE #01815497.



STEP SEVEN

Protecting the house, the loan and your taxes

While probate runs, the house still needs care, the loan still comes due, and how the home changes hands can swing the tax bill by hundreds of thousands of dollars.

The mortgage

The loan does not go away, but federal law (Garn-St Germain) generally bars a lender from calling it due because a relative inherited the home. The servicer must work with potential successors. Keep payments current.



SCAN TO READ
Who pays the mortgage?

The empty house

Rekey, document every room, move valuables to safety, forward mail, and tell the insurer. Standard coverage can lapse after 60 consecutive days of vacancy.



SCAN TO READ
Vacant house checklist

The taxes

An inherited home's basis generally **steps up** to its value at death. Under Prop 19, a child must move in and file for the homeowners' exemption within one year to keep a parent's property-tax base.



SCAN TO READ
Stepped-up basis explained

ILLUSTRATIVE EXAMPLE: STEPPED-UP BASIS

A parent paid \$95,000. At death the home is worth \$600,000, and the heirs sell for \$640,000 less 6% costs. Taxable gain: about **\$1,600**. Had the parent deeded the house to the kids during life, the gain would be about **\$506,600**.

Thinking of keeping the house? Prop 19 protects a parent's tax base only up to the base-year value plus \$1,044,586 (transfers Feb. 16, 2025 to Feb. 15, 2027), and only if a child moves in within a year. Read more at sacramentoprobatehomes.com/prop-19-inherited-house-property-taxes/.

Sources: 12 U.S.C. 1701j-3(d); 12 CFR 1024.38; Cal. Insurance Code § 2071; IRC § 1014; BOE Prop 19 Fact Sheet (Pub 801). Talk with a CPA about your taxes.

(916) 908-4101

sacramentoprobatehomes.com

bart@barttheagent.com

General information, not legal or tax advice. Bartrand Hubbard is a licensed California real estate associate, not an attorney or tax advisor. Talk with a California probate attorney or CPA before acting. HomeSmart ICARE Realty · DRE #01815497.

WORK WITH SOMEONE WHO KNOWS PROBATE

About Bart Hubbard

Bart Hubbard is a Realtor with HomeSmart ICARE Realty and a C.A.R. Certified Probate & Trust Specialist. He helps executors, trustees and heirs across the Sacramento region prepare, price and sell inherited homes, working alongside probate attorneys and fiduciaries so families can focus on each other.

He is also the author of *Prop 19 Hero*, a guide to California's inheritance and property tax rules.

How Bart works

Paid by commission at closing, from the sale proceeds. The estate pays nothing up front.

1. **A free 15-minute call.** Tell him where the case stands. He'll outline your options, including the ones that don't involve hiring him.
2. **A written valuation**, as-is and with light prep, within one business day.
3. **A plan on paper:** what the house needs, what it costs and the net under each path.
4. **Full market exposure** on the MLS, not a quiet pocket sale, so the file shows the estate got a fair price.
5. **Coordination through closing:** cleanout, repairs, marketing, the Notice of Proposed Action or the court hearing.

C.A.R. Certified Probate & Trust Specialist

DRE #01815497

HomeSmart ICARE Realty



Sacramento
Probate Homes

CALL OR TEXT

(916) 908-4101

EMAIL

bart@barttheagent.com

WEBSITE

www.sacramentoprobatehomes.com

OFFICE

1891 East Roseville Parkway, Suite 180
Roseville, CA 95661



**Book your free
call**

Scan to reach Bart
directly.

Serving Sacramento, Placer, El Dorado, Yolo, Solano, San Joaquin, Sutter, Yuba, Nevada and Amador counties.