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A GUIDE FOR EXECUTORS, TRUSTEES & HEIRS

Selling an Inherited Home in Middle Tennessee

Your options, the Tennessee rules that shape them, and a clear step-by-step path to selling a loved one's home in Franklin, Brentwood, Nashville and Williamson County.

Probate | Trust | Inherited | Out-of-state heirs



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BEFORE YOU BEGIN

You don't have to figure this out alone.



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If you're reading this, you are likely handling a parent's or loved one's home while also grieving, working and coordinating with family. Many of the people I help are doing it from another state.

Selling an inherited home is part paperwork, part real estate and part family. The good news: most estates in Middle Tennessee can sell a home within a few months once the steps happen in the right order. This guide lays out that order, the Tennessee rules that affect it, and where families most often lose time or money.

Use it however it helps. And if you'd like someone to walk through your specific situation, call or text me. There's no cost and no obligation to talk it through.

Billy Larsen

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Please note: This guide is general information, not legal or tax advice. Every estate is different. Before signing a listing agreement or contract, confirm your authority to sell with a Tennessee probate or estate attorney, and review taxes with a CPA. I'm happy to refer you to trusted local professionals.

01 · START HERE

How is the home titled?

Who can sign the deed depends on how the home was owned at death, not just on what the will says. Pull the most recently recorded deed from the county Register of Deeds and find the matching row below.

How the home was held	Who signs to sell	Court involved?	Typical time to list
Revocable or living trust	Successor trustee	Usually no	2 to 6 weeks
Transfer-on-death deed, or survivorship (tenancy by the entirety)	Named beneficiary or surviving owner	No Record death certificate and affidavit	2 to 4 weeks
Deceased's name alone, with a will	Executor, if the will grants a power to sell	Yes Probate for Letters Testamentary	1 to 3 months
Deceased's name alone, no will	Administrator with court approval, or all heirs together	Yes Letters of Administration, often a court order	2 to 6 months
Tenants in common with others	Each owner, or their estate, for their share	Depends on each share	Varies

A common surprise: Tennessee treats most "joint tenancy" wording as tenants in common, so a co-owned deed does not always pass automatically. Have a title company or attorney confirm before assuming no probate is needed.

Three questions to answer in your first week

1. **Who has legal authority to sign?**
   Executor, administrator, successor trustee, or the heirs together. This decides everything else.
2. **What is owed on the home?**
   Mortgage, HELOC, reverse mortgage, property taxes and HOA dues all get paid from the sale at closing.
3. **What do the heirs want?**
   Sell, keep, rent or buy out one heir. Agreeing early prevents most delays later.

02 · PROBATE

Selling through probate in Tennessee

The key question is whether the personal representative can sell without a court order. If the will grants a power of sale, the executor can usually list and close without asking the court. If there's no will, or the will is silent, the personal representative must petition the court for permission to sell.

1. **Open the estate**
   File a Petition to Probate Will (with a will) or a Petition for Administration (without one).

2. **Receive Letters**
   Letters Testamentary or Letters of Administration. The title company needs these before closing.

3. **Notice to creditors is published**
   Creditors generally have 4 months from first publication to file claims; all claims are barred 12 months after the date of death.

4. **Confirm authority to sell**
   A power of sale in the will, or a court order after a petition, often with notice to heirs and an appraisal.

5. **List, accept an offer and close**
   The executor or administrator signs a Personal Representative's Deed.

6. **Distribute proceeds**
   Funds go to the estate account and are distributed after debts, taxes and the creditor period.

Where to file

Williamson County: Chancery Court Clerk & Master, Judicial Center, 135 4th Ave S, Franklin. Filings are electronic; the original will is delivered in person or by mail.

Davidson, Rutherford, Maury, Sumner and others: each county assigns probate to its own court. Your attorney will confirm where to open the estate.

Good to know

Small estates don't cover houses. Tennessee's small estate process is limited to $50,000 of personal property and gives no authority over real estate.

Timing: simple Williamson County estates often take 6 to 9 months to close, but the home can usually be sold well before then.

Can I start before probate is open?

Yes. You can secure and prepare the home, gather pricing and line up your team. Just don't sign a listing agreement or purchase contract until you hold Letters and have confirmed authority to sell. I can help you use that waiting time well.

03 · TRUSTS

Selling a home held in a trust

Trust sales are usually the fastest path: the successor trustee steps in and sells under the trust's own terms, with no court date. The home must actually be deeded to the trust, though. A trust document alone doesn't move a house still titled in the person's own name.

What the successor trustee typically needs

- Certified death certificate of the original trustee
- The trust, or a shorter Certification of Trust the title company accepts in its place
- Proof of the trustee's acceptance and identity
- The trust's tax ID (EIN), since most trusts become irrevocable at death

Protecting the trustee

Trustees owe every beneficiary a fair price. A current market analysis, an appraisal for the file and regular updates to beneficiaries protect the trustee if anyone later questions the sale.

Trust from another state? A California, Texas or Illinois trust can still sell Tennessee real estate. Send it to the title company early so they can review it.

04 · TAXES

Usually less than families fear

Most heirs who sell soon after a death owe little or no capital gains tax, because of the **step-up in basis**.

Tax	What it means for you	2026 status
Federal capital gains	Inherited property generally gets a new cost basis equal to its value on the date of death. You're taxed only on growth after that date.	Step-up in place
Tennessee inheritance tax	Repealed for deaths after 2015.	None
Tennessee income tax	No state personal income tax on wages or capital gains.	None
Federal estate tax	Applies only to estates above $15 million per person ($30 million per married couple).	$15M exemption
County property tax	Keeps accruing and is prorated at closing. Senior tax relief or freezes usually end with the owner's death.	Ongoing

Get a date-of-death value. It sets the new tax basis and is the single most useful tax document you can have. I'll prepare a market analysis as of the date of death for your attorney and CPA; your CPA may also want a licensed appraisal.

05 · DISCLOSURES

What you do and don't have to tell buyers

Executors and trustees often qualify for an exemption from Tennessee's full Residential Property Condition Disclosure. Fiduciary and court-ordered sales may use the shorter Residential Property Condition Exemption form instead. A few things still apply:

- Never hide a defect you actually know about. The exemption doesn't protect misrepresentation.
- Homes built before 1978 still need the federal lead-based paint disclosure.
- HOA, planned unit development and similar required notices still apply.

"As-is" is common and fine. Most estate homes sell as-is, meaning no repairs promised. Buyers can still inspect; you can simply decline repair requests. Pricing for condition is what makes an as-is sale work.

06 · THE HOME

Protecting and preparing the home

The first 30 days matter most. A vacant house loses value fastest to water leaks, break-ins and lapsed insurance. I'll walk the home with you and say plainly which dollars come back at sale and which don't.

Secure it right away

- Change or rekey locks; collect every key and remote.
- Call the insurance carrier. Many policies limit coverage once a home sits vacant, so ask about a vacancy endorsement.
- Keep power, water and HVAC on (about 60°F in winter). Forward the mail.
- Photograph every room before anything moves.
- Remove valuables, papers, medications and firearms.

Clean out without regret

Give family a set window to choose keepsakes, then bring in an estate sale company, donation pickup or junk removal.

I work with trusted estate sale, cleanout and repair teams across Williamson County and Nashville and can coordinate them for you, especially if you live out of town.

Approach	Best when	Typical work
Sell as-is	Major updates needed, or heirs want speed and simplicity	Cleanout and a deep clean only
Light refresh	Solid home that looks dated	Paint, flooring clean-up, landscaping, lighting
Targeted repairs	One issue would scare off buyers or lenders	Roof, HVAC, plumbing leaks, safety items

07 · FAMILY

Multiple heirs and family out of state

Agreeing early on one decision-maker, one timeline and one price strategy prevents most estate-sale conflicts.

- **Name a point person,** usually the executor or trustee, who signs, approves showings and communicates with the agent.
- **Share the numbers.** Send every heir the market analysis and net sheet so price decisions don't feel personal.
- **One heir wants to keep it?** They can buy out the others at an agreed value; an appraisal keeps it fair.
- **Heirs who can't agree** may face a court-supervised sale or partition, which is slower and costlier. Mediation is worth trying first.

Living in California, Texas, Illinois or elsewhere?

Most of the sale can be handled remotely: video walkthroughs, e-signatures, mobile notaries and mail-away closings are routine. I relocated to Franklin from Southern California and regularly guide families who never set foot in Tennessee during the sale.

08 · OPTIONS

Your selling options, side by side

In Middle Tennessee, listing on the open market usually nets the most. A cash sale trades some price for speed and certainty.

Option	Price	Speed	Family effort	Best for
Full market listing	Highest	Often 30 to 60 days once listed	Moderate: cleanout, light prep, showings	Most Williamson County and Nashville homes
As-is market listing	Strong buyers price in repairs	Similar to a full listing	Low	Dated homes in good locations
Cash or investor offer	Lowest	1 to 3 weeks	Very low	Major repairs, tight deadlines, or heirs who want it done

You don't have to guess. I can list the home and gather cash offers at the same time, then put every option on one net sheet, so the family decides with real numbers instead of hopes.

09 · CHECKLIST

Seller's checklist

Work down this list in order; each step unlocks the next.

Documents to gather

- [ ] Certified death certificates (several copies)
- [ ] Will and/or trust, plus any amendments
- [ ] Most recent recorded deed
- [ ] Letters Testamentary or Administration, or Certification of Trust
- [ ] Court order to sell, if the will grants no power of sale
- [ ] Mortgage, HELOC or reverse mortgage statements
- [ ] Property tax bills; HOA contact and dues
- [ ] Homeowner's insurance policy
- [ ] Utility accounts, warranties, permits, survey

Steps to sale

- [ ] Secure the home; notify the insurer
- [ ] Confirm how it's titled and who can sign
- [ ] Meet an estate attorney; open probate if needed
- [ ] Get a date-of-death value
- [ ] Agree on decision-maker, timeline and price range
- [ ] Clean out and prepare the home
- [ ] Review net sheet and options; sign listing
- [ ] Accept offer; inspections and appraisal
- [ ] Close; deposit proceeds to estate or trust account
- [ ] Keep the closing statement for your CPA

The team you'll want

Who	What they handle
Estate or probate attorney	Opens probate, confirms authority to sell, court petitions, title questions
CPA	Date-of-death basis, estate and final income tax returns
Title company	Reviews Letters, trust or court order; clears title; handles closing
Your Realtor	Pricing, prep plan, vendor coordination, marketing, negotiating, and managing the sale for out-of-town families

Sources: Tennessee Courts, Small Estates (tncourts.gov); T.C.A. §§ 30-2-306, 30-2-307, 30-2-310 (creditor claims), § 30-2-418 (court authority to sell), § 31-2-103 (vesting of real property), § 66-5-209 (disclosure exemptions); Williamson County Chancery Court; Morgan Lewis, "New $15 Million Federal Exemption Becomes Law" (2025). Information current as of October 2026.

One call, and you have a plan.

Estate sales go best with someone who knows the local market, the Tennessee process and the people who make it run smoothly. That's what I bring to every family I work with.

Since 2012
IN RESIDENTIAL REAL ESTATE

$200M+
IN HOMES SOLD

Franklin
LOCAL, AND A RELOCATION SPECIALIST

Complimentary value review

A date-of-death market analysis for your attorney and CPA, with no obligation.

A written prep plan

A walkthrough of the home and a clear plan: what to fix, what to skip, what it costs.

Every option on one net sheet

Market listing and cash offers side by side, so the heirs can decide together.

Hands-on for out-of-town families

I coordinate cleanout, repairs, showings and closing, so you don't have to be here.



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