A FREE GUIDE FROM THE ROBBINS GROUP

The San Diego Probate Home Sale Checklist

What to do in the first 90 days after a parent passes, without making a costly mistake.

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Important: *This guide is general information and is not legal, tax, or financial advice. For your specific situation, always consult a qualified attorney and CPA. We're real estate professionals who specialize in this work, we'll happily refer you to trusted professionals if you don't already have them.*

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If you're reading this, you've just lost someone.

Before anything else: we're sorry. Whether the loss was sudden or expected, this is one of the hardest seasons a family goes through, and being handed the responsibility of an estate on top of grief is genuinely brutal.

We wrote this guide because almost every family we've worked with. And we've helped many, felt the same thing in the first week: **overwhelmed and afraid of doing it wrong**. They didn't know what they were supposed to do first. They didn't know what could wait. They didn't know who to call.

This is the short, plain-English version of what we wish more people knew. It will not make you an expert. It will keep you from making the costly mistakes we see again and again in the first 90 days.

WHAT THIS GUIDE COVERS

The first week (calm decisions). The first month (the legal foundation). The home decisions that matter. The court process. Distribution. And. When it's time , how we can help you sell the home with the least possible stress.

Week One: Do These Three Things. Don't Do Anything Else.

In the first week after a parent or loved one passes, the temptation is to do everything at once: call a realtor, start cleaning out the house, list it on Zillow, tell everyone the plan. **Don't.** Nothing about the house is going to change in the next 7 days. The biggest mistakes happen when people rush.

1. Don't make any big decisions about the house.

Not yet. You don't have the authority to sell it, give things away, or sign contracts until the court (or the trust) gives you that authority. Anything you do prematurely can create legal problems or family conflict later. The house will still be there in a month.

2. Find the will, deed, and trust documents.

Look in the obvious places first, file cabinets, desk drawers, a fireproof safe, a safe deposit box. Then check with the family attorney if you know who it is. The key documents you're looking for:

- **The will** (if any). Names the executor and the beneficiaries.
- **The deed** to the home. Tells you exactly how the property is titled.
- **The trust** (if any). If the home is in a trust, you may be able to skip probate entirely.
- **Life insurance, retirement, and bank account info.** Not for the house, but the executor will need these soon.

3. Secure the property.

This is the one thing you *should* do quickly:

- **Change the locks** if anyone outside the immediate family had a key.
- **Stop or forward the mail** through USPS so identity theft risk drops to near zero.
- **Confirm the homeowner's insurance is still active.** Most policies cancel coverage after 30-60 days of vacancy unless you notify the insurer. Call them and switch to a vacant-home rider.
- **Set timers on a few lights** and a radio. Empty houses get targeted.
- **If there's a security system, keep it on.** If there isn't, consider a simple wireless camera at the front door.

THE #1 MISTAKE WE SEE IN WEEK ONE

Family members start taking items home. Sometimes valuable ones , before any inventory is done. Even small items can create huge disputes between siblings. The rule until you have authority: **nothing leaves the house except the deceased's personal documents and any obviously personal items (clothing for donation, etc.). And even those should be logged.**

Month One: Build the Legal Foundation

Now we get into the actual legal process. **Whether you need probate at all depends on how the home is titled.**

Is probate even required?

California probate is required for most estates with real property worth over the small-estate threshold (which Sacramento updates periodically, confirm the current number with your attorney). But there are several common ways the home avoids probate entirely:

- **The home is held in a revocable living trust.** The successor trustee can sell it without ever going to court. (See our Trustee's Guide.)
- **The home is held in joint tenancy with right of survivorship.** A simple Affidavit of Death of Joint Tenant transfers title.
- **The home has a Transfer-on-Death (TOD) deed** recorded before death naming the beneficiary.
- **The deceased owned only a small percentage** of the property, there are simplified procedures for some cases.

Bring the deed to an estate attorney for a 30-minute consult. They'll tell you in five minutes whether probate is needed.

If probate IS required: Letters Testamentary or Letters of Administration.

This is the court order that gives the executor (or administrator, if there's no will) legal authority to act on behalf of the estate, including the authority to sell the home. In San Diego County, probate is filed in **San Diego Superior Court**, with different divisions depending on where the deceased lived. The process from filing to Letters issued typically takes 30-90 days.

Full Authority vs. Limited Authority (IAEA)

Under California's Independent Administration of Estates Act, the court grants the personal representative either **full authority** or **limited authority**. This distinction matters enormously for selling the home:

- **Full authority:** You can sell the home without court confirmation. Faster, cheaper, less stressful. You give a 15-day Notice of Proposed Action to beneficiaries; if no one objects, the sale proceeds normally.

- **Limited authority:** The sale must be confirmed in court, including an open courtroom 'overbid' process. Slower and more uncertain. Beneficiaries can object more easily.

The probate referee

California requires that non-cash estate assets, including the home , be appraised by a **probate referee**, who is appointed by the court. The referee's appraisal is used for the inventory and to calculate court fees. This appraisal is **not** the same as the price you'll list the home for; market value can be very different.

The Home Decisions That Actually Matter

You do NOT have to fix it up before selling.

This is the single most common misconception we hear: 'We have to paint, replace the carpet, fix the bathroom, clean out the garage…' **No, you don't.** Probate buyers in San Diego County, including investors and end-users who want a fixer, actively look for as-is properties. Putting $30,000 of repairs into a home before selling rarely returns that money, almost always delays the sale by months, and pulls the executor deeper into a project they didn't sign up for.

> **OUR RULE OF THUMB**
>
> Clear the obvious safety hazards. Get the trash and food out. Mow the lawn so the neighbors stop calling. Then list it. Save the renovation budget for the heirs.

What about the contents?

- **Inventory first.** Even just photos of every room.
- **Family items get distributed by the will or by agreement.** Do this in writing.
- **Estate sale companies** can handle most of the rest. They'll typically take a percentage of sales in exchange for managing the whole event.
- **Donation** for what doesn't sell. Get receipts for tax purposes.
- **Junk haulers** for the rest. Budget $1,500-$4,000 for a full clean-out of a typical San Diego home.

When can you list?

If the home is in a trust: any time after the trustee has authority and has notified beneficiaries. Often within 30 days of death.

If probate is required: once Letters are issued. With full authority, you can list immediately. With limited authority, you can still list, but the offer will need court confirmation.

Court confirmation sales (the 'overbid' process)

If the home is being sold under limited authority, the accepted offer goes to court. On the hearing date, other buyers are allowed to show up and bid against the accepted offer using a formula set by the court (typically 10% over the first $10,000 plus 5% over the balance, but check current local rules). The good news: this often drives the price up. The bad news: it can delay closing by 45-90 days from the accepted offer.

Closing, Heirs, and Taxes

How heirs actually get paid

When the home sells, proceeds go to the **estate account** (or the trust account, for trust sales), not directly to the heirs. From there, the personal representative (or trustee) pays:

- Outstanding mortgage, liens, and property taxes
- Closing costs and brokerage fees
- Attorney fees and probate referee fees (probate cases)
- Outstanding bills of the deceased
- Final tax filings
- Then. And only then , the remainder is distributed to the heirs per the will or trust.

Stepped-up basis (talk to a CPA)

One of the most powerful tax benefits in inheritance is the **stepped-up basis**. In plain terms: when someone passes, the IRS resets the home's tax 'cost basis' to its fair market value at the date of death. If your parent bought the La Mesa home for $80,000 in 1985 and it was worth $850,000 on the date they died, the new basis is $850,000. If you sell shortly after for $865,000, you may owe capital gains on only the $15,000 of appreciation since death, not the $785,000 since 1985.

THIS IS A CPA QUESTION, NOT A REALTOR QUESTION

We can introduce the concept, and timing matters (sometimes selling within a year minimizes additional gain), but a CPA will run your actual numbers. Don't make sale timing decisions without one.

Realistic timeline

- **Trust sale, motivated executor:** 60-120 days from death to closing
- **Probate with full authority:** 6-9 months typical
- **Probate with limited authority (court confirmation):** 9-15 months typical
- **Probate with disputes or complications:** 18+ months

Most San Diego County probate sales we handle close within 6-9 months of being engaged.

When you're ready, we're here.

We've helped many San Diego families sell inherited homes during the hardest seasons of their lives. There's no charge for a consultation. We work with most probate attorneys and CPAs in the county and can refer you to trusted professionals if needed.

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