



# Probate Sale Checklist

How to sell an inherited home in any state

Written by John Quigley

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## If you've inherited a house

First, my condolences. A probate sale on top of grief is a heavy load — and the process is rarely as quick as anyone tells you. This checklist is the step-by-step I walk executors and heirs through every week.

Every state runs probate differently. Some allow 'small estate' or 'summary' procedures that bypass court (Texas, California small estates, others). Some require formal supervised probate that takes 6-18 months (New York, Florida non-summary). The checklist below is the universal version — your state attorney can tell you which steps you can skip.

### MOST COMMON MISTAKE

The most common mistake heirs make: trying to sell before opening probate. The buyer won't be able to close because title doesn't transfer until the personal representative is appointed. Open probate first, even if you ultimately use a small-estate procedure.

## Phase 1: Open the estate (weeks 1-4)

- Locate the original will (if one exists). Check safe deposit box, file cabinet, attorney's office
- Order 8-10 certified copies of the death certificate from the funeral home or vital records office
- Identify the personal representative / executor (named in the will, or appointed by court if no will)
- Consult a probate attorney in the state where the decedent lived AND where the property is located (if different)
- File the will + petition with the probate court in the decedent's county of residence
- Get appointed as personal representative — letters of testamentary or letters of administration
- Notify all heirs and creditors (state-specific timelines, usually 30-60 days)
- Open an estate bank account using the estate's EIN (apply at [irs.gov](https://www.irs.gov), takes 10 minutes)

## Phase 2: Secure the property (weeks 1-4, in parallel)

- Change locks immediately — multiple people may have keys you don't know about
- Forward mail to your address (USPS change-of-address) so you see all bills and tax notices

- Verify the homeowner's insurance policy is current — most policies cancel after vacancy of 30-60 days
- Switch to a vacant-property insurance policy if the home will sit empty
- Check the property tax status — delinquent taxes can lead to tax sale even during probate
- Confirm the mortgage status (if any). Lender may have a 'due on sale' clause but typically waits during probate
- Set up basic utilities (water, electricity, heat) — frozen pipes ruin more inherited homes than burglary
- Take photos and an inventory of personal property before clearing

## Phase 3: Determine value (month 2)

Two values matter in a probate sale: the date-of-death value (for the stepped-up basis on taxes) and the current market value (for the sale). They're usually within 10% of each other unless time has passed.

- Order a date-of-death appraisal from a licensed appraiser — needed for the IRS Form 706 if estate exceeds federal exemption (\$13.6M in 2026), and for your stepped-up basis
- Pull comparable sales (comps) for current market value
- Honest condition assessment — most inherited homes have deferred maintenance
- Get a written cash offer to anchor the floor — even if you list traditional, you'll want to know the alternative
- Decide: list traditional, sell cash, or hold (if multiple heirs want to keep it as a rental)

## Phase 4: Court approval (varies)

Most states require either (a) court confirmation of the sale price or (b) heir consent. Independent administration (Texas, Arizona, others) lets the personal representative sell without court intervention. Supervised probate (most other states) requires a court hearing.

- If supervised: file petition to sell with proposed buyer and price
- Notice to all heirs and beneficiaries (10-30 days notice typical)
- Court hearing — judge confirms sale price is reasonable
- If independent: get heir consent in writing if required by state
- Confirmation order issued — this is your green light to close

## Phase 5: Close the sale (when ready)

- Title company orders title commitment — verifies the estate has clear title
- Personal representative signs purchase agreement in their representative capacity
- Settlement statement reviewed by you and the probate attorney
- Estate receives proceeds at closing (paid to the estate, not to individual heirs)
- Mortgage paid off (if any) at closing
- Wait for creditor period to expire before distributing to heirs (state-specific, usually 4-6 months)
- Distribute net proceeds per the will (or intestate rules if no will)
- File final accounting with the court (supervised probate) to close the estate

### STEPPED-UP BASIS

Capital gains on an inherited home are calculated from the date-of-death value, not the original purchase price. This 'stepped-up basis' usually means heirs owe little or no capital gains tax on a sale that happens within a year of death. Talk to a CPA before assuming you owe nothing.

## Why cash buyers are often the right fit for probate

Inherited homes usually have deferred maintenance, decades of personal property to clear out, and complicated emotions among heirs. A cash buyer eliminates the showing process (no parade of buyers walking through your parent's house), buys as-is (no repairs or staging), and closes fast (often before the creditor period even expires, so funds sit in the estate account waiting).

The trade-off: a cash offer is roughly 70% of after-repair value minus repairs (the standard 70% rule). For a turn-key home with multiple agreeable heirs and 6+ months of patience, traditional listing usually nets more. For inherited homes that need work, or estates with disagreement among heirs, cash usually wins on net.

AND on time-to-distribute.

## Inherited a home you need to sell?

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### About the author

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