



CALIFORNIA PROBATE SALE PROCESS

California probate is the legal process of administering a deceased person's estate. The Sale Process involves several key steps, as outlined below:

PRIOR TO LISTING

- **POWER OF SALE** - Will contains power of sales clause.
- **NO POWER OF SALE** - No power of sale in Will or no Will.
- **NOTICE OF SALE** - Sale of real property must be published (attorney to prepare).
- **IAEA (Independent Administration of Estates Act*) POWERS** - Personal representative has full IAEA powers.
- **LIMITED IAEA POWERS** - Personal representative has limited IAEA powers. If so, attorney must mail Notice of Proposed Action re-intent to list property.
- **PROPERTY SPECIFICALLY BEQUEATHED** - contact attorney.
- **APPRAISAL** - Check Appraisal report
- **EXCLUSIVE LISTING AGREEMENT** - Consider exclusive listing agreement.

SIGN LISTING AGREEMENT

- **FULL IAEA POWERS** - Sign exclusive right-to-sell listing agreement without giving notice. (Do not need order authorizing execution of exclusive right-to-sell listing agreement)
- **LIMITED IAEA POWERS** - Contact attorney to obtain order authorizing execution right-to-sell listing agreement.

MARKET PROPERTY & ACCEPT OFFER

- **IF SOLD USING FULL IAEA POWERS** - Notice of proposed actions must be sent to heirs / beneficiaries before escrow can close.
- **IF SOLD USING LIMITED IAEA POWERS** - Court confirmation is required.

CLOSE ESCROW

- **IF IAEA SALES** - Escrow will need executor's / administrator's deed, copy of "Notice of Proposed Action" and "Attorney's Opinion Letter". Escrow may also require certified copies of proof of mailing notice of Proposed Action Order for Probate and Letters.
- **IF COURT CONFIRMATION** - Escrow will need executor's / administrator's deed and certified copy of order confirming sale.

*What is IAEA?

IAEA stands for the California Independent Administration of Estates Act (IAEA). IAEA allows an executor or administrator of an estate to manage and settle the estate with minimal court supervision. This includes selling property, paying debts, and distributing assets without obtaining prior court approval for each action. The IAEA aims to streamline the probate process, making it faster and less costly. However, beneficiaries and interested parties must receive notice of key actions, and they have the right to request court intervention if necessary.