



# ***ESTATE SALE SURVIVAL GUIDE***

**February 9, 2022**

***Revised and Updated Frequently***

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<sup>1</sup> <http://www.magnusomnicorps.com/home.html>

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**COVID-19/CORONAVIRUS NOTE:**

Remember, these sales are conducted on **PRIVATE PROPERTY**, which, among other things, means that the property owners/estate sales company makes the entry and conduct rules regarding health and safety during the sale - this is currently the case with most private residences and establishments. Inasmuch, this also includes the wearing of masks inside the sale, **IRRESPECTIVE** of federal, state, or local mandates, laws, ordinances, etc., and **IRRESPECTIVE** of your vaccination status – remember, even the fully vaccinated can still be asymptomatic and contagious carriers of the virus (that means that they're capable of unknowingly spreading it). So don't be offended or put-out if you are asked to put on a mask before entering the sale. At this point in time and especially with the new virus variants circulating, we should all still be carrying our masks with us because you just never know when an establishment is going to require them – put yourself in the business owner's position. Hey, sometimes I have to wear these masks all day in hot environments and I don't like wearing them any more than the next person and yes, I am very well aware of the controversy and studies regarding the protective efficacy of certain types of masks, but we all still have a choice as to whether we want to enter certain places, so make that choice accordingly and stop complaining. I have yet to run across anyone who has not experienced the sadness of losing a loved one, relative, friend or co-worker to this virus and I for one certainly wouldn't want to be an unwitting spreader of it just because I couldn't bear the miniscule inconvenience of putting a simple surgical mask over my face for a few minutes. Think about it! *(Updated: 20210802)*

## INTRODUCTION:

I go to a lot of estate sales and work at some of them in various capacities. These sales are fun and you can find some amazing deals and unique items, but sometimes it gets chaotic...**very** chaotic, mainly because of the high number of people in confined spaces and vehicle traffic on narrow streets, cul-de-sacs and gated communities. Inasmuch, I hear a lot of complaining about how these sales are conducted, but most of those complaints arise out of **ignorance of the law** and confusion about the process – these are **not** garage sales!! So, I was prompted to write this guide for those new to estate sales and also for estate sale veterans in hopes that it would help explain how the sales are conducted and make them a more enjoyable experience for everyone.

Also, recently I've had a lot of calls asking me for referrals to estate sales companies and also about the process of actually conducting an estate sale. I have added that information in **section 8**.

## 1. GENERAL RULES and INFORMATION:

First and foremost, keep in mind that attending an estate sale is a **voluntary** activity, in other words, no one forced you to go to it.

Since most homes are on **public streets**, garage/estate sales **are allowed**, subject to local permitting requirements and ordinances, therefore homeowners' associations **may not prohibit** such commercial activities or the placement of advertising signage – doing so would be considered “restraint of trade” and a violation of local, state and federal antitrust laws, the Sherman Antitrust Act, and actionable under civil law. When it comes to gated communities, condo associations, etc., laws vary – check with the respective, local regulatory authorities, homeowners' associations and or an attorney. I see some very upset neighbors at some sales, especially in upscale neighborhoods, and I would just remind them that these sales only take up a few, very short hours over the course of a 48 –

72-hour period and someday, they may want/need to have a sale and that their patience during the sale is most appreciated.

Subject to local ordinances, estate sales companies **may** place off-site, temporary advertising signage on private property (with the property owner's permission), but usually not within the public easement or on any public property.

They may place traffic cones in and around the sale location to control traffic and parking. Do **NOT** move these cones, park in front of or run over them!!

Rules, sale terms, etc., vary from sale to sale and company to company. Here are some general rules and what you can **generally** expect:

Sales are **usually** conducted on Saturday and Sunday, **usually** 9 am – 3 pm on Saturday and Noon to 3 on Sunday. Sometimes, if it is a large house and or there are a lot of items, a Friday and or Monday **may** be added or there may be multiple sales at the same address on different weekends, depending upon local permitting allowances. And sale times vary – read the published ads **carefully** for times and dates. Also look for the hours posted on signs at the sale.

If you like estate sales, most companies have **sign-up sheets** for e-mail notifications and or Facebook pages. Sometimes the largest company in the area allows the smaller companies to advertise on their website.

**Sign-in sheets** at the front door are there for several reasons, but mainly for fairness to those who arrive early to get in line and to control the flow of the number of people allowed into a confined space (the house) – this is for the comfort and safety of everyone and so the estate sales company can adhere to the fire code. Be prepared to wait to get in, so arrive early and sign in if there is something inside that you must have. Remember to **legibly print** your name on the form, one person per line.

There may be a lot of little items you want to purchase, so bring one of those reusable shopping bags with you, but make sure it is folded flat before entering and, depending on the estate sales company, you may not be able to take it in with you depending on the estate sales company's policy. An alternative may be a small to medium-sized **clear** plastic storage tub – these are especially helpful if you plan on purchasing several small items.

Estate sales companies and property owners are not responsible for any injuries you may incur while attending the sale, so **watch your step** throughout the property – I have seen many people fall because they weren't paying attention. (Fortunately, there have been no injuries, so far.)

There may be stairs in the residence. Again, no one forced you to come to the sale, so quit complaining about them – no one can do anything about them and I don't know many people who actually like stairs – I certainly don't. Ditto for having to park and walk a long way to the sale up a steep hill or down a long driveway.

Estate sales are heavily advertised for obvious reasons. Ads are usually placed in the newspaper, on the Internet (Craig's List, Facebook, Twitter, etc.) and usually through the estate sales company's private e-mail list...and on the yard signs....and on the entrance door to the sale. So, if you get to the estate sale and they aren't open yet or are closed for the day, do not complain to the staff or police

officer because the signs are still out at the intersections. Remember, **AMPLE, CONSTRUCTIVE, PUBLIC notice** of the dates and times have been published – **READ THEM!!**

No large bags, strollers, baby carriers, pets, food, or drinks, etc., allowed inside.

No public restrooms. (If you are going to a sale outside a town or city, make sure you stop somewhere relatively close to the outskirts of that town or city and make one last pitstop!)

No smoking or vaping on the property.

Do not touch items on the “**hold table**” – they have already been spoken for/sold.

If you bring children or pets with you, please keep them with you at all times and keep them under control. Be considerate of other shoppers; screaming, crying or otherwise unruly children should be taken outside immediately. If you do not do so, the police/security officer may ask you to leave the property immediately. Remember, you are on private property. **(See 5. below.)**

## **PLAN AHEAD!!**

- Watch the weather forecast the night before and the day of the sale – you may have to stand out in the cold, heat or rain for an extended period before entering the house (see **sign-in sheets** above) so dress appropriately, take an umbrella, etc. If you are elderly, have a medical condition, or otherwise cannot tolerate the elements, you can very easily be overcome by the heat or cold and need medical assistance. Don't risk your health! Almost everyone has smartphones these days with the Weather Channel app, so there's no excuse not to be prepared.
- For liability and insurance reasons, there are usually no help or tools provided by the estate sales company's staff to disassemble, remove, move, carry out or load your purchases – this is normal, so don't act offended or incredulously if the staff tells you that there is no one to help you out with your purchase. Have you ever been to a garage sale where the seller loaded your vehicle for you or delivered your purchase to your home? Of course not. Estate sales are no different. If you want that kind of service, you are more than welcome to make your purchase (for a much higher amount) at Lowe's or Home Depot!
- If you are going to buy numerous, small, fragile and or breakable items (dishes, collectible figurines, glassware, etc.), be sure to bring plenty of packing/tissue paper and boxes with you.
- **Be considerate of your spouse, friends, other shoppers, sales staff, etc., and don't purchase items that are big and heavy and ask them to help you lug and load them into your vehicle.** They may not be able to do so and asking them to assist puts them in a very awkward position and may risk their health. Before you buy them, consider how you are going to remove them from the house and transport them. Measure the doors in the house and the appliance or item – are you going to have to remove the doors from the appliance and or the house? Also, take note of the path you will have to take through the house and outside to remove the item - remember, if you damage anything, you will be responsible for paying for it.
- If you think you may buy a large item or items (appliances, grills, very large furniture) and intend to rent a U-Haul-type vehicle to move your purchases yourself, make certain you get one of adequate size and be sure to bring the appropriate help (enough strong young men), dollies, bindings, blankets, tools, etc., that you will need to remove your item(s). Spending a little more

for the next size truck up will save you a lot of headaches, time and money from having to make multiple trips with an undersized truck. Also, if you will be bringing the truck to pick up the items near or during sales times, be cognizant of the parking, traffic and access situations. If you do not have a fair amount of experience driving one of these trucks, find someone who has to assist you – **do not attempt** to bring a large truck into this situation if do not have experience maneuvering that size of a vehicle – you run the risk of damaging other vehicles, persons and property and clogging up traffic and the estate sales staff or on-duty officer may ask you to leave and comeback later.

- In some cases, during sale days, it may be necessary for you to arrange to pick up your items before the sale opens or after it closes for the day or perhaps on a different day altogether so as to not disrupt the sale in progress. It is usually best to do it after the sale closes for the day. Ask the estate sale manager for a scheduled pick-up time and **show up when you are scheduled!!** If you are unable to make your scheduled appointment, **call the estate sale manager and re-schedule!** If you cannot remove your items from the sale premises within 1 or possibly 2 (if you're lucky) days after the sale closes for good, you may forfeit your items and lose your money!! In many cases, houses have been sold and are in the process of closing with the title company and the estate sales company has no control over this and must relinquish the keys and vacate the premises by a certain date. Remember, these people have their own lives and a business to run and **your life drama is not their problem!!** If you commit to a pick-up time and you have to re-schedule, do not be surprised if they charge you a significant additional fee and require it to be paid in exact amount cash (greenbacks, not checks or credit cards) before releasing your item(s) to you.
- If you hire people to help you move your items or load your truck, make sure you very clearly explain to them what you have to move (items, sizes, weights, final destination, etc.) so they will (hopefully) show up with the appropriate number of individuals and equipment to assist – vehicle, trailer, tools, dollies, tie-downs, rubber band restraints, pads, blankets, etc. Also, make sure that they are appropriately licensed and insured (property damage, worker's comp, etc.) It is best to hire a state-licensed, full-time, professional moving company. Be wary of hiring general laborers masquerading as "movers" from an Internet ad or related websites – often they are **NOT** professional movers and have little or no experience and arrive completely unprepared (no equipment or tools, just warm bodies) to do the job and only complicate the situation for the purchaser and estate sales company as pick-up has to be delayed until qualified and property equipped assistance can be procured and finding professional movers on short notice and especially on weekends and at the end of the month is nearly impossible.
- **Note on appliances or other large items:** Also, if buying a dryer or stove/oven, check to see if it is electric or gas – you many not want one or the other.
- **And One. More. Time.: No public restrooms. (If you are going to a sale outside a town or city, make sure you stop somewhere relatively close to the outskirts of that town or city and make one last pitstop!)**

Again, there **will** be chaos.....and rules to control it, so get used to it. Remember, no one forced you to go to the sale.

**NOTE TO ESTATE SALES COMPANIES:** Because of complications with scheduling post-sale pick-ups, which we've all experienced, I suggest you implement a post-sale pick-up agreement/contract. (If purchasers are scheduled to pick-up during the official sale days, but outside of opening hours, I would still have them sign this as we've had purchasers fail to show.) Something with verbiage to the effect that:

- Purchaser understands that all sales are final – there are no refunds for any reason.
- Purchaser agrees to pick up (state items here) on (time and date here).
- Purchaser understands that no physical assistance, tools, or other equipment will be provided by (estate sales company name here).
- Purchaser understands that the house may be in process of real estate closing and there may only be a very limited amount of time when the estate sales company can access the house after the close of the estate sale (state close date here).
- Purchaser understands that if pick-up cannot be made at the appointed time and date **during** sale days and cannot be re-scheduled for another time **during** sale days, purchaser may forfeit all monies and merchandise. Alternatively, if possible and at the discretion of the estate sales company, homeowner(s) and real estate company (where applicable), pick-up **may** be re-scheduled for a day **after** the close of the estate sale.
- Purchaser understands that if pick-up cannot be made at the appointed time and date **after** sale days and pick-up cannot be re-scheduled for another time, purchaser **may** forfeit all monies and merchandise.
- Purchaser understands that if pick-up can be re-scheduled after the first missed appointment after close of the estate sale, there will be a \$100 non-refundable, cash (greenbacks, no checks or credit cards) fee due before house is opened for pick-up.
- Purchaser understands that if they fail to pick up on the second appointed time and date, **all monies and merchandise will absolutely be forfeited.**
- Purchaser understands that it is solely their responsibility to maintain **timely** and **accurate** contact with the estate sales company representative regarding the coordination of merchandise pick up. Your point-of-contact for arranging pick-up will be: (Person's name and cell number here.)

## 2. PARKING:

Parking can sometimes (actually, almost always) be a real challenge at these sales, especially on narrow streets, cul-de-sacs and gated communities. It is best not to drive down an obviously crowded street because you can get boxed in and cause a significant traffic tie-up. Be prepared to park 1 – 2 blocks (or more) away from the sale and **WALK**. Just because a sale is being conducted, it does **NOT** mean that parking laws are suspended. Ditto for common courtesy. Therefore:

- Do not block other people's/neighbors' driveways or you will be subject to ticketing and towing at your expense and without warning – city and state law.
- Do not block or park within 10 feet of a residential mailbox or you will be subject to ticketing and towing at your expense and without warning – federal, state and city law.
- Do not park in the sale house's driveway – others will need to get their vehicles and trailers in to load out large items they buy.



- Do not park where curbs are painted red, yellow and or otherwise marked or you will be subject to ticketing and towing at your expense and without warning – city and state law.
- Do not park within: 20 feet of a crosswalk at an intersection; 30 feet of a stop sign or signal; 15 feet of a fire hydrant or blocking a fire lane or you will be subject to ticketing and towing at your expense and without warning – city and state law.
- Do not park with your vehicle's front end facing opposite the flow of traffic or you will be subject to ticketing and towing at your expense and without warning – city and state law.
- If the house is on a cul-de-sac, do not create parking spaces in the middle of the cul-de-sac itself or you will be subject to ticketing and towing at your expense and without warning – city and state law.
- Most jurisdictions require a 27-foot width distance between the curbs or vehicles on either side of the street to allow for fire trucks and other emergency vehicles to pass, so if the street is narrow, do not park opposite another car where your car may create a constriction or otherwise impede the flow of traffic in any manner or you will be subject to ticketing and towing at your expense and without prior warning.
- Watch for "No Parking" signs along the roads as some areas have restricted street parking hours or you will be subject to ticketing and towing at your expense and without warning – city and state law.
- There may be orange traffic cones in and around the sale location to control traffic and parking. Do **NOT** move these cones, park in front of, or run over them!!

Are you starting to see the pattern with all those traffic rules and the consequences for disobeying them? The police have **very little patience** for this as they have much better things to do and with the Internet, there is no longer any excuse to be ignorant of the laws, rules and regulations regarding the operation of motor vehicles as all that information is online now and very easily accessible – just do a search for "(your city's name) municipal code."

On narrow streets, be sure to fold in your mirrors on both sides to prevent damage from other vehicles or people walking by.

If you can't parallel park or drive well, bring someone with you who can. If you get boxed in, don't ask the police officer on duty to move your car for you – he or she cannot leave their post to do so.

Unfortunately, but for all the obvious reasons, usually no special parking spaces are set aside for handicapped. Inasmuch, even if you do have a handicapped placard or license plate, it does **NOT** give you the right to violate motor vehicle operation, traffic and parking laws or park where there are orange cones. In other words, you may **NOT** block another resident's driveway just so you can get within close proximity of the sale – you will be ticketed and towed without prior notice!!



Have some common courtesy and use good sense when parking. Think about the other residents on the street – what if, for some reason, they needed an ambulance or fire truck – would emergency services be able to get to their house?

### 3. ITEM PRICING:

Sometimes prices **may** seem high. The pricing of items is up to the company conducting the sale and their agreement with the estate's owners. Most companies I've seen use the Internet and eBay to get prices for similar items and they use the "sold" prices, not the "asking" prices. Sometimes they use local, professional appraisers for antiques and other unique items. Just because **you think** an item is overpriced, does **not** make it so. You are not a sales professional and don't price tens of thousands of items for sale in the secondary market every year.

Generally speaking, it goes like this: First day of the sale, full tagged price. Second day of the sale, 50% off. Third day of the sale, 75% off. Some items may have reserve prices and not subject to the usual, standard daily discounts, though.

**Reserve/Bidding:** Sometimes the estate sales company will take bids or reserves on more expensive items. You usually have to fill out a form with your bid. Be careful – sometimes these bids are legally binding forms, so if you put in a bid, be prepared to pay if you win it. Again, terms vary from sale-to-sale and company-to-company, so ask whomever is staffing the sale for more information and make sure you **clearly understand** the process.

### 4. PAYMENT:

First a word on security: **Never, ever, for any reason at any time**, leave your wallet, purse, checkbook, cash, credit cards, or anything of value in your car, and if you must do this, don't leave it in plain sight. And that goes for any items you buy after you leave the sale.

Remember, estate sales companies are just that, companies. In most states, they have to get a permit to have the sale and therefore, are usually obligated to collect sales taxes just like any other business selling goods and products. It's the law.

Some companies have a single, central point to check out and other may have employees who write up tickets as you go along picking up items to purchase – just ask anyone who is working at the sale how the checkout process works.

Payment forms accepted vary according to the company holding the sale. Be sure you take several options with you – cash, check, credit card(s) (don't be surprised if they **do not** accept American Express or Discover). And be sure there are blank checks in your checkbook!

Have your form of payment ready when you get into the checkout line! The checkout line may become long and crowded so be patient.

Cash is always the preferred method of payment, **so bring plenty** (plus some change for taxes) **before** you arrive at the sale and again, **don't leave it in your car!** Shockingly, I see a lot of people who do this – you are just asking for your vehicle to be broken into, money and credit cards stolen and

even worse, ID theft. If you engage in this irresponsible and dangerous behavior, you will eventually need the information in my special report on ID Theft on the [Publications page of my website](http://www.magnusomnicorps.com/publications.html)<sup>2</sup>.

Some companies **may** take credit/debit cards **for the convenience** of the shoppers, **BUT**, they are **NOT REQUIRED** to do so. Some may take credit/debit cards for any amount, others require a minimum purchase amount to offset the significant transaction surcharge fee they will have to pay to the credit card processing company, especially when processing purchases for smaller amounts and through a cell phone dongle, both of which are usually extra. The Dodd-Frank law and subsequent Durbin amendment to it allow for this, but, these laws do not address debit card minimums, so it is still technically legal. However, imposing minimums for debit card purchases **may** be a violation of the merchant's agreement with their card processing service. If you wish to belabor this point at the checkout counter with a long line of people waiting behind you, go ahead, but be considerate of the other shoppers, the merchant's situation and also the fact that you are on private property and they reserve the right to refuse to do business with anyone and may have you escorted out by the officer if you create a disturbance or hold up the line for an unreasonable amount of time.

Some companies may take checks, but fewer are doing so because of the high level of fraud with checks these days. If you plan to write a check, be sure you have a **valid** (that means **not expired**) state driver's license or state ID **on your person** when you enter the sale and definitely before you get into the checkout line.

PayPal is accepted at some sales if they are set up for it.

If you are a re-seller or tax-exempt entity, be sure to have a **hardcopy** of your tax ID information with you or on file with the estate sales company **prior to** the sale – **don't hold up the checkout line!**

All sales are final; there are no returns. Be sure you have all the proper parts, accessories, cords, remotes, etc., that go with your items before buying them.

## 5. POLICE/SECURITY:

Police/security are usually on duty at these sales – this is normal. They enforce order, control foot traffic and vehicle parking, resolve disputes, deter theft and protect persons and property.

The officer will usually be posted at the entrance. **DO NOT** crowd the entrance or the officer – this can be a fire hazard if you are obstructing an entrance/exit to the building/house.

Remember, sales are conducted on **private property** – the officer or any sales staff has the discretion/authority to deny entrance to anyone for any reason or ask anyone to leave for any reason. In many jurisdictions, failure to honor a request to leave may result in detention and or arrest for criminal trespass. Also, persons attending the sales are subject to search.

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<sup>2</sup> <http://www.magnusomnicorps.com/publications.html>

**DO NOT** ask the officer to help you disassemble, remove, move, carry, load your item(s) or assist you with your purchase in any other manner – they are employed by the estate sales company and are **ONLY** present for the public's safety and security and removing them from their post or otherwise distracting them jeopardizes everyone's security, so you should **PREPARE BEFOREHAND** (see 1. above) when attending these sales if you anticipate purchasing large and or heavy items.

Remember the officer at the sale is usually “off-duty” from his regular job with the police department and any parking issues outside of the line-of-site of the house will have to be resolved by on-duty law enforcement, so call 911 if that is the case.

If you are a neighbor nearby the sale house and a someone has blocked your driveway, by all means, ask the officer at the sale for assistance – he/she will go through the house, find the vehicle's owner and have them move it immediately.

Show the officer your sales receipt when you exit the sale.

## 6. TO REVIEW:

- A. Watch where and how you park – obey the law and be courteous!
- B. Before entering the sale, have plenty of money and a valid state ID on your person – **DO NOT LEAVE THEM IN YOUR VEHICLE!!!** If you are the victim of identity theft, see my ID theft report on the [Publications page of my website](#)<sup>3</sup>.
- C. Sign in, if necessary, be courteous and patiently wait your turn to enter the sale.
- D. Observe the sale's rules (look for signage).
- E. In most cases, estate sales staff and officers do **NOT** help you pack, move, transport, etc. your purchase, so come prepared to deal with your purchase and bring appropriate help and equipment.
- F. Use a public restroom **BEFORE** you get to the sale.

## 7. FOR PEOPLE WHO WANT OR NEED TO HAVE AN ESTATE SALE:

People want or need to have an estate sale for various reasons, but here are the most common:

- They are downsizing for some reason – this is usually age/health-related and they are moving to an independent or long-term care community and they want/have to REALLY downsize, but just can't bring themselves to go through all that stuff or time is of the essence and they have to get it done quickly. Believe me, I know how it is. In this case, they realize they need professional help and contact an estate sales company for assistance. More on this aspect in the **FAQ section** below.

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<sup>3</sup> <http://www.magnusomnicorps.com/publications.html>

- They are executor of a decedent's estate and are left with liquidating all the personal effects, usually including the house and vehicle(s). The executor may be a spouse, close family member, relative, friend, attorney-in-fact, attorney, trust company, legal guardian, etc.

Obviously, the first thing you need to do is contact a reputable estate sales company. Ask around – contact attorneys, real estate agents, the county Area Wide Aging Agency, City Action Center, long term care communities, any senior support group at local churches, hospitals, etc. Read reviews on Google and other similar sites. I would, however, recommend that you use only an incorporated company, LLC, etc., that is insured and appropriately licensed in your respective state, city, jurisdiction to conduct business operations.

Once you have settled on a couple of companies, call them and set up a time for them to come over and review the estate to see if they will take the sale and if you like the people and the terms. Some companies take only very large sales and others only small ones, it just depends on the company.

Most companies follow a somewhat standardized methodology to conducting sales and it goes something like this:

- They come over and assess the estate.
- They present you with a contract and go over the specific details with you.
- Once you agree to the terms, you will set a date and they will tell you that before that date (not the sale date), you should remove anything you want to keep because after that deadline, all remaining items need to stay. Remember, they agreed to take the sale based on how much they think they could make by selling the items in the house. If you remove too much, they sale may not be worth their time. Also, if space is extremely limited, you should not be bringing additional items over from another location for sale. They may permit this to a limited extent and only for a set period of time. You should respect these limitations.
- At this point, you will probably set a tentative sale date – many things can change and sometimes they can be flexible with you on the scheduling, if needed and vice versa.
- You turn over the house's keys to them and they take over. No one should be living in the house at this point as they will be in there all days and hours working to prep for the sale.
- They will go through and throw out anything that they don't think is sellable. If there is a lot of junk, and there usually is, they will probably need to rent a roll-off dumpster and this is usually at an additional cost to the owner/executor.
- Remaining items will be cleaned, assessed for functionality, e.g., electronic items functioning, tagged, priced and arranged neatly on fold-up tables that they will bring in for the sale.
- Unique items may require appraisals by experts and that may or may not be at an additional cost.
- Most items are priced using sources such as eBay's "sold" prices or prices garnered from other such services.

- Most estate sales companies carry insurance to cover any damages/losses while they are in control of the property.
- They usually charge 25 – 50% of the gross sales.
- They will apply for and obtain the necessary sale permits with the city.
- They will advertise the sale through a variety of mediums: newspaper, company website, Facebook and other social media, estate sale websites, in-house e-mail lists, etc.
- They will collect, file and pay the necessary sales tax receipts after the sale.
- Depending on the size of the sale, sales are usually conducted over 2 – 4 days, being Friday, Saturday, Sunday and Monday and exact times vary. Sales are not usually held over major holidays or, if you are in an area with major college or professional sports teams, on respective game days as it suppresses turnout to the sale.
- Generally, the first day of the sale is full tag price, but they may take bids (See **Section 3. ITEM PRICING** above). Also, you usually set reserve prices on very expensive items. The second day of the sale is usually 50% off everything, but again, you may reserve some items. The third day of the sale is usually 75% off and you may still have reserve items or have a certain, other, smaller percentage taken off for that day. It's usually all negotiable with the estate sales company.
- Most companies hire off-duty police officers, deputies or armed private security to provide security during the days of the sale. This may or may not be at additional cost to the seller/owner/executor.
- A couple of days to a week after the sale, the estate sales company, depending on their schedule, may be able to come back and open the house for buyers to pick up large items that weren't able to be removed from the sale for whatever reasons. In some cases, they may have their officer supervise this if they cannot be there.
- They will help you disposition any leftover items according to what you decided when finalizing the contract. See **Section 7.** above for details.
- 2 – 7 days after the sale, they will usually send you a check with the net proceeds from the sale. Be sure consult with your CPA on how to report these funds and be sure to have the sales tax receipt to provide to the CPA, as well, and a receipt for any other itemize fees charged by the estate sales company. These are professional service fees and may be deductible depending upon your specific and unique circumstances.
- If the house is to be sold, be sure your Realtor has it actively listed in the MLS, with a sign in the yard and plenty of MLS flyers and the Realtor's contact information available to sale-goers as this is a question that frequently comes up and is a prime advertising opportunity. Be sure to coordinate this with the estate sales company and come to an agreement on showings before, during and after the sale. Generally it is not a good idea to try to conduct a showing

during the sale due to the large number of people in the house and the way it is staged for the sale – it is very difficult for buyers to “picture” their furnishings in the house in that type of situation or get a good idea of the space available in the house.

**CONSUMER TIP:** I’ve found that not all companies are good communicators and that goes for just about any business. When it comes to these kinds of activities, communication is critical, so be sure to make clear to the estate sales company that you expect them to respond to your calls, text, e-mails, etc. in a very timely manner or it will be clearly reflected in your Google review after the sale. However, you don’t want to be the kind of client that pesters the company owner incessantly with questions about minor details or keeps calling to change contract details once arrangements are finalized. I think you understand what I’m talking about here.

## 8. F.A.Q.’s (Frequently Asked Questions):

**Q1: I’ve heard of them and seen the signs on the roadside, but have never been to one, so exactly what IS an estate sale?**

**A:** There are, for the most part, 3 kinds of sales, garage sales, estate sales (aka tag sales, every item has a price tag), and auctions. Most people have had garage sales in their yards before and invariably, they don’t make much money because they are pretty much selling junk that not many other people want. Be honest - you know what I’m talking about here – we’ve all done it. Most of us have been to an auction where you have a fast-talking individual on a stage selling one item at a time and people in the audience placing and acknowledging bids for that item. Those can take quite a while, especially if you have to wait for the item you want to bid on to hit the stage.

Estate sales are a little bit garage sale and a little bit auction (without the fast-talker). Like auctions, estate sales are operated by a third party company and usually **everything** is for sale and that is **unlike** a garage sale where just a few items are for sale and the owner is operating the sale. Also, with some estate sales, you can put bids on items, which is a little similar to the auction process, but in auctions, bidders pretty much determine the starting price, but with estate sales, the seller (estate sales company) determines the starting price of the item(s). A note on bids at estate sales: Ask a staff member for details on the process. Generally, bids are only taken on the first day of the sale and the estate sales company will call you that evening if you won the bid. Also, keep in mind that a bid is generally a binding contract, so if you win it, you **ARE obligated** to pay for and pick up the item the next day or as arranged with the estate sale company.

Okay, let me be clear about one thing, just because a sign says “estate sale,” doesn’t necessarily mean it is a real, legitimate estate sale. WHAT?? You will see signs on the roadside that say “estate sale” and when you get to the sale, it is just a garage sale. People do this because they know that buyers are generally more attracted to estate sales than they are garage sales because they know estate sales generally have many more items for sale. This is what we call “the old bait and switch.”

**Q2: Why should I have an estate sale run by a professional estate sales company instead of just a garage sale?**

**A:** Many reasons. As I’ve stated before, time **well-spent** is money. Chances are, if you’re reading this, you are faced with a situation where you have to dispose of the house and its entire contents and in most cases that is hundreds, if not thousands of items and most people have never had to deal with a sale of that magnitude. Trust me, it is nothing like your average garage sale which most of us have had,.....and barely made any money – you know what I mean.



And there a lot of other factors involved: In this situation, you probably have a job, family and other things going on in your life and prepping a house with all its contents for an estate sale can even take weeks for a crew of 3 or more seasoned professionals. In the meantime, there is usually a push from attorneys, creditors, IRS, etc., to get the estate settled as quickly as possible for a variety of reasons. In the case of the loss of a family member, there is also the sentimentality factor in play, which can make this huge task even more difficult. Do you have that kind of time and energy to dedicate to such an effort?

Dozens of display tables must be set up, tablecloths put on, items removed from cabinets and closets (and maybe off-site storage units), cleaned, checked for functionality, appropriately grouped and placed on tables, tagged and priced. Would you know how to properly price a set of antique sterling flatware? A 12-piece place setting of Mikasa China? Hmmm?? Proper pricing is key to the most successful and profitable sale! Inexperienced people invariably underprice or overprice these items. Estate sales companies have the expertise to properly price these items and if they do not, they usually know experts and consult with them.

There may even be the need for a roll-off dumpster to be placed if there is an excessive amount of worthless items and trash that need to be disposed of. During that time, appropriate city permits will have to be obtained. Then there is the day(s) of the sale – hopefully hundreds if not thousands of people will be coming through the house. Because of tax laws and other legal issues with the estate, there will need to be a very accurate accounting of the items sold and the proper forms filed. Buyers expect you to take a variety of payment forms – cash, check, credit cards, etc., and some buyers are tax exempt.

Finally, if the house is for sale, you will be working with a real estate agent and they understand that working with an estate sales company will expose the house to thousands and thousands of potential buyers. Clearly this is a mutually beneficial arrangement for all parties involved!!!

**Q3: Is there even enough items (stuff) to warrant hiring a professional estate sales company?**

**A:** You'd be surprised how many people misjudge the quantity and value of the items they have in their home. (Speaking of that, if you haven't done so in quite a while, you might want to have a review with your insurance agent to ensure you have adequate coverage.) Most estate sales aren't packed with French antique furniture, high-dollar artwork, Waterford crystal, fine China and sterling silver. Most just have your everyday items that the average individual and family has,....and other people want to buy those items. I've seen everything from toenail clippers to mink coats, to cars, boats and portable buildings – even a waterslide for a pool and a 7-foot tall metal chicken sculpture (It sold fast!) Let the estate sales company professionals assess your need for their services. Trust me, if you **really** don't have enough stuff, they **will** tell you because having a sale with too few items would truly be a waste of everyone's time and money.

**Q4. How much do estate sales companies charge?**

**A:** First, most estate sales companies will meet with you, free of charge, to discuss your needs and what they can do for you and the specifics of the sale process. A company may or may not take your sale, but if for some reason they decline, they will usually provide you with some options. They may not take your sale if, for example, it is just too big for their company to handle, or too small for their time and effort – don't be offended, it happens. Also, it may not be geographically appropriate for their company and their employees or the house may contain so many unique items that their specific company is unable to manage appropriately.



Now, how much they charge depends on a variety of factors. For simplification purposes, most charge a basic flat rate of 25 - 50% of the gross sales receipts. This will include all the manpower, staging equipment, etc. This may also include a roll-off dumpster, if needed, and security services, or those may be separate – it depends on the company. Also, there may be additional fees if the company has to move the sale to an off-site location (see **Q9.** below) or move items from a storage unit onto the property. All that will be spelled out in the estate sales company's contract and they will explain the nuances of their service fees during your initial contact. Again, note that percentages are usually lower for large, expensive items like cars, trucks, boats, etc.

**Q5: What does the owner/executor have to do to get ready for the estate sale:**

**A:** Call a professional estate sales company and have them come review the estate and explain the process. You may want to call more than one to see which fits your needs best.

**STOP!** Don't start giving or throwing away stuff you **think** is worthless – let the estate sales company be the judge of that – they are professionals at this.

Once you have decided on a company, and they will walk you through a lot of this, you will have to get your legal affairs in order. If you are the executor of the estate, you will have to prove to the estate sales company that you have the full legal authority to act on behalf of the estate to liquidate those items. The estate sales company will tell you what you need to provide them in the way of documentation as every case is different. Also, if the estate sale is the result of a divorce, you're going to have to get all parties (including attorneys) on board with proof for the estate sales company. Of course, any mechanics' liens, encumbrances, etc., that may be in place must be completely cleared before the sale and that is the seller's responsibility, not the estate sale company's.

Decide what you want to keep (reserve) and get it out of the house before you sign a contract with the estate sales company. If you can't get it out before the estate sales company representative comes over to the house, clearly tag it so that they will know the item(s) won't be for sale. Remember, estate sales companies base their compensation on what they see in the house that they can potentially sell. Removing items after you have signed the contract may incur additional fees to the owner/executor. Conversely, if you bring more items in, it can cause problems with the proper staging of sale. Be reasonable and considerate here!

All parties living in the house or on the premises must be out and that includes any and all personal effect those parties may have remaining in the house. Look, it just doesn't work to have owners living in a house where multiple, unknown people will be coming in and out all day long for 2 weeks or more – it makes for a very uncomfortable situation for everyone and chances are, most estate sales companies will turn you down rather than deal with such a situation.

**Q6. Are there any special requirements for the house before the sale.**

**A:** Yes, probably a few. You will need to provide legal documentation that you are the owner of the house or you are the executor of the estate and duly authorized to dispose of the contents of the house and or the property. You will discuss this with the estate sales company during your initial communication and they will tell you what you need.

The house will have to be insured (with proof) during the sale. Contact your insurance agent to see if they any special requirements/coverage needed for this activity.

The heating, air conditioning (HVAC systems), electrical and plumbing (running water, functioning toilets) will have to be in full working order during the prep and sale days.

The owner/executor will usually be responsible for disconnecting appliances that are hooked up to gas, water, etc.

The estate sales company will need the codes to any alarm systems as well as the number and codes to the alarm company should one of them inadvertently set off the alarm.

If there is a pool, it can be helpful to put the cover over it, again, for safety and security reasons.

**Q7. Shouldn't I get the home sold before I have the sale.**

**A:** Generally, no. I'm a real estate agent, too and here are my thoughts on this: In real estate, we say, "time is of the essence." That means that once a house is listed for sale publicly, it sets into motion a sequence of events and actions that are time sensitive and must occur on schedule for both the buyer and seller. Inasmuch, setting up an estate sale requires flexibility from a variety of aspects, one of which is, again, weather. But more specifically, if there are unique items involved, it can take time to get professional appraisers in and sorting, cleaning, staging and post-sale dispositioning of left-over items can take an additional 2 - 3 days or a week or more. Meanwhile, if the house goes under contract before the sale, the real estate process will be moving forward and it is usually not nearly as flexible and cannot take those schedule adjustments into consideration as times and dates for those actions to occur are set in contracts that must be adhered to.

Furthermore, consider that the estate sales company is going to advertise your sale and that notice is going to go out to thousands, if not tens of thousands of people. Estate sales companies and real estate agents know this and usually work closely together to coordinate such advertising so you will get maximum exposure for the estate sale **and** the house sale!! Plus, all those people (potential buyers) will be coming through your house and sometimes the real estate agent will be present to answer questions. However, it is usually **not** a good idea to conduct home tours during the sale as it is not fair to the buyers or the sellers and the estate sales company usually prefer they don't. Make sure you have that understanding with your agent. You can discuss with your agent if you want to allow tours when the estate sales company is prepping for the sale, but I would advise against it mainly for safety and security reasons. Plus, a lot of buyers just can't properly "visualize" what the house really looks like when there are a bunch of tables set up with items for sale out on them. I think you know what I mean here.

**Q8. How much advance notice do you need to give the estate sales company and how long will it take them to prep the estate for sale?**

**A:** Ideally, give them as much advanced notice as possible. Most of the better estate sales companies I've seen are **ALWAYS VERY BUSY!!!** If your chosen company cannot accommodate your schedule, they can probably refer you to someone who can. Generally, these companies are very collegial and try to work with one another for a variety of reasons.

Prep time depends on a variety of factors. Just like a lot of construction companies who work multiple projects at any given time, some estate sales companies work more than one sale at a time. This is something you will want to get clear before signing a contract. The biggest factor is how many items are in the house that need to be sold and how much clutter needs to be cleaned out to properly stage a home. I've seen 2,500 square foot homes with reasonable possessions take only 2 weeks to prep, whereas I've seen 1,500 square foot homes that were packed and full of clutter and junk take over a

month to prep. Estate sales companies are experienced at this and know how to gauge it, so, during the initial walk-through inspection of the estate, they will be able to give you a reasonable estimate as to the timeframe required to prep the estate for the sale.

**Q9. Why would the sale need to be moved to an off-site location?**

**A:** A few reasons: If the location of the house is not conducive to a sale, i.e., restrictive city ordinances, very narrow streets, limited parking, highly restricted space in the home (difficult for people to move around), unsafe structure, unavailability of utilities, legal issues with the property, property too far away from large population center, etc. In many cases, estate sales companies know of empty/vacant commercial store space they can use free of charge or rent for low cost for the sale. This serves many good purposes, especially when it comes to getting the maximum amount of people into the sale at one time and, of course, parking.

**Q10. Do estate sale companies sell motor vehicles, etc.?**

**A:** Usually, yes and that includes motorcycles, farm equipment, etc. If you own it, chances are they can sell it! The commission for selling those large, more expensive items is usually less than the percentage they take from the overall sale – those details will be explained and negotiated prior to contract signing for their services. Note that for items that need to be licensed to operate on public roadways, be sure to have all the necessary paperwork in order for the estate sales company. If there are problems or extenuating circumstances with the titles, they can usually help you iron those out as they've probably been down that road before.

**Q11. Do you have to collect sales taxes?**

**A:** It depends on the status of the estate and local, county and state laws. Generally, the answer is yes. The estate sales company should be able to carefully and meticulously explain to you how they collect, document and file the appropriate forms for you and provide you with supporting documentation which you will need when filing your taxes or the tax return(s) for the estate you are administering.

**Q12. How many days will the sale take?**

**A:** It depends on several factors, but mainly hinges on how much you have to sell and how big the house/property is. Let me explain: If a house is small and packed full, the number of people allowed inside at any given time will be limited for safety reasons and to adhere to fire codes. Since you obviously can't hold a sale open for much more than 8 hours per day, that can limit your sales, so you have to have it over multiple days to get as much traffic volume as possible. Also, the reverse is sometimes true for much larger houses – more people in, more traffic, higher sales volume over time. I think you get the picture. Also, I've seen cases where there are not only the contents of a house involved but one or more off-site storage units. If the house is already packed and there is no more room to display the contents of the storage units, then obviously there will be multiple days, if not a 2-3 day sale, then a couple of weeks break to bring in the items from storage, sort through them, clean, price and re-stage and then have another sale of appropriate length. Most sales I've seen are 2 days, Saturday and Sunday. If you live in an area where sports is a big attraction, the estate sales company will try to avoid holding the sale on game days, if at all possible, but sometimes scheduling, weather, time, estate legal issues, family priorities, etc., preclude such considerations.

**Q13. What if the weather forecast turns bad for the sale days?**

**A:** Generally the sale is re-scheduled. Most estate sale patrons know the routine and are used to this and will come to the sale when it takes place, plus, the estate sale company will, of course, publish the date change and re-advertise the sale accordingly. Most jurisdictions understand that this can be an issue and are flexible with the permitting, etc.

**Q14. Can I be present for the sale?**

**A:** Yes and no. Generally, it has been my experience that estate sales companies prefer that you are **not** present for a variety of reasons. For example:

If the estate belonged to you personally or a loved one, it can be emotionally difficult to see “strangers” walk out with your life’s possessions. That’s understandable.

Also, an estate sale should not be the time for you to socialize with your neighbors and friends who come to the sale. You have enlisted the assistance of a professional sales company and they have essentially turned the estate into a place of business and generally like to conduct it as such. And remember, they are there to make as much money for you as possible, so it’s best not to interrupt their activities. Of course, it is okay to stop in to see how things are going, etc., but trust me, if they need anything from you, they will definitely call!

**Q15. What do you do to deter theft or other problems at the sale?**

**A:** Some, but not all, estate sales companies use either off-duty local police officers, sheriff’s deputies or certified, licensed and insured armed private security officers to maintain order, safety and security at the sale. Depending upon the company, this may be a cost passed on to the seller or the estate sales company may pick that up as a cost of doing business expense. Ask. Other strategies are used to deter theft – trained staff, cameras, limited/controlled entries and exits, locked display cases for small, valuable items, no large bags, strollers, drinks, food, etc., allowed, and so on. The sale is held on private property, so all persons and property are subject to search.

**Q16. Does the estate sale company clean up after the sale?**

**A:** Usually a little. Estate sales companies are not cleaning companies. They will generally pick up and dispose of the big stuff and obvious trash, but as for dusting, sweeping, etc., generally, no, they do not. However, most estate sales companies have cleaning people/services they can refer you to who will do that kind of work.

**Q17. What happens to the items left over from the sale?**

**A:** This is the most common question I get and, it depends. There are several possibilities (and combinations thereof), but it basically depends upon the agreement the estate owner/survivor has made with the estate sales company regarding the dispositioning of leftover items. Here are some examples of how I’ve seen this handled:

- 1) Items are left in the house – owner(s)/survivor(s)/executor(s) will deal with them.
- 2) Items are donated to a local charity or charities who come to the house, box them up, take them to an off-site location, inventory them and provides the owner/survivor/executor with a letter for tax purposes.

- 3) Items (usually the larger, more expensive pieces) are sent to a consignment store and the owner/survivor/executor receives a check directly from the consignment store once they are sold. They usually send you a check every time an item has sold.
- 4) Items are retained by the estate sales company – they pack them up, put them in storage and bring them out and display them at a future sale or sales and send the owner/survivor/executor a check if and when they are sold. This process may be repeated several times until the majority of the items are sold.
- 5) Items are thrown away. (Very rare)

## **9. HOW TO FIND ESTATE SALES IN YOUR AREA:**

[www.estatesales.org](http://www.estatesales.org)

[www.estatesales.net](http://www.estatesales.net)

[www.okcestatesales.com](http://www.okcestatesales.com)

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