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HSTX TITLE

SELLING REAL ESTATE WITH A WILL

SELLING OUT OF AN ESTATE IS COMPLICATED AND EACH CLOSING IS HANDLED DIFFERENTLY. HOWEVER, THERE ARE SOME GUIDING PRINCIPLES THAT CAN ASSIST YOU AND YOUR CLIENT IN SITUATIONS WHERE THERE IS A WILL. AN AFFIDAVIT OF HEIRSHIP MAY BE AN OPTION, WHICH IS A SHORTER PROCESS. IF THE AOH IS NOT AVAILABLE, THE WILL NEEDS TO GO THROUGH THE PROBATE PROCESS. WE CAN HELP GUIDE YOU THROUGH THE PROCESS AND WORK WITH YOUR CLIENT'S PROBATE ATTORNEY.

In the Probate Process the following will happen:

- 1** Will must be probated within four years of the date of death.
- 2** Will is admitted and accepted by the court.
- 3** Independent executor is appointed and, in most cases, given the power to sell (a dependent administration is handled differently).
- 4** Letters Testamentary must be issued.
- 5** Estate inventory and appraisal is filled out with the probate court.



HELPFUL HINTS

- + IF THERE IS A WILL, GET IT TO US TO REVIEW BEFORE GOING ON THE MARKET.**
- + OPEN TITLE AS SOON AS POSSIBLE.**
- + ENSURE THAT THE BUYER'S AGENT KNOWS THAT THE PROPERTY IS AN ESTATE.**
- + THE PROPERTY CAN BE SOLD DURING PROBATE IF EVERYTHING IS IN ORDER.**