Fidelity National Title

Probate Sale Process

PRIOR TO LISTING - CHECK THE FOLLOWING WITH YOUR PERSONAL REPRESENTATIVE OR ATTORNEY

- **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 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**
  If so, contact attorney
- **APPRAISAL**
  Check Appraisal report
- **EXCLUSIVE LISTING AGREEMENT**
  Consider exclusive listing agreement.

SIGN LISTING AGREEMENT

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

MARKET PROPERTY & ACCEPT OFFER

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

CLOSE ESCROW

- **IF IAEA SALES**
  Escrow will need executor's/administrator's deed, copy of Notice of Proposed Action and attorney opinion letter. Escrow may also require certified copies of proof 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.