Fidelity National Title
CALIFORNIA

Probate Escrow Considerations

Prior to listing the property, check with either a personal representative or attorney to see if/how any of the following considerations apply, as each detail may impact the probate escrow and subsequent closing:

- The will contains a power of sales clause.
- There is not a power of sale in the will or there is not a will.
- The sale of real property must include a published "Notice of Sale" prepared by an attorney
- IAEA Powers: Personal representative has full IAEA powers.
- Limited IAEA Powers: Personal representative has limited IAEA powers. If so, the attorney must mail a "Notice of Proposed Action" regarding the intent to list the property
- If the property is specifically bequeathed, contact an attorney
- Appraisal report must be checked
- Consider an exclusive listing agreement



LISTING AGREEMENT SIGNATURES

- 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 & OFFER ACCEPTANCE

- If sold using full IAEA Power, the notice of proposed actions must be sent to heirs/ beneficiaries before escrow can close.
- If sold using limited IAEA powers, then court confirmation required.



CLOSE OF ESCROW

- IAEA Sales: Escrow will need executor's/administrator's deed, copy of "Notice of Proposed Action" and an attorney opinion letter. Escrow may also require certified copies of proof mailing Notice of Proposed Action Order for probate and letters.
- If there is a court confirmation, escrow will need executor's/administrator's deed and certified copy of order confirming sale.

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every day.

This information is for general reference purposes only and is not guaranteed. Please consult with a legal professional for further details.