

*Excellence...Pure & Simple.*



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# Disposing Real Property inside of an Estate

# Key Terms

When you are managing an estate for probate purposes, you'll come across several key terms.

These terms include:

- **Decedent:** The person who passed.
- **Probate:** This is the legal process of processing and closing a decedent's estate. Probate may take as little as a few months, or it could go on for years, especially if someone contests the will. The probate court also closes out any liabilities if the estate does not have the assets to pay the debts.
- **Testate and intestate:** If a person dies 'testate,' he or she died with a will and/or other estate documents, such as trusts. If a person dies 'intestate,' he or she died without a will.
- **Administrator, personal representative or executor:** A state may use 'personal representative' or 'executor' to name the person who manages the estate. This is state preference. Some states may call the manager of the estate of a person who died without a will the 'administrator.'
- **Beneficiaries or heirs:** Those who will be receiving an inheritance from the decedent's insurance, retirement accounts, estate, etc

# SELLING REAL PROPERTY OF AN ESTATE



In some cases, you may want to sell the real property of an estate. If the decedent had a lot of debt, you may need to sell the property to pay those liabilities. If the decedent owes more taxes than the estate has cash, you'll need to get the money for those taxes from selling some of the assets, including the real property. You may also choose to sell the real estate if the decedent did not name a beneficiary for it or if the person named does not want the property.

In most cases, you will need permission from the court to sell the property, unless you filed informal probate and you do not need the proceeds from the property to pay taxes and liabilities. Regardless of the case, you should retain a Real Estate Specialist to help you sell the real estate. Real estate agents with this knowledge understand the probate process and will work within the rules of the court to sell the property.

# List Of Services

- \*Price Evaluation/Appraisal
- \*Marketing of Property ( as is)
- \*Estate Inventory and Liquidations
- \*Title Review
- \*Electronic Signing, Filing and Document Management
- \*Staging
- \*Land, Commercial, and Income Properties
- \*Notary and Deed Services

# Every executor or administrator should look for:

- Make sure that you have the right legal paperwork to be able to legally sign a listing agreement
- All beneficiaries have to be informed of the actions that will be taken in terms of the sale. This is usually handled by an attorney.
- Make sure you document all the work that you have done so that the other heirs know how much work you are doing!
- Get an appraisal of the property that will be for sale. This a safe and proactive strategy to make sure you are pricing your probate property right.
- ALWAYS work with an Experienced Real Estate Estate Specialist to make sure he or she is formally trained in selling these types of homes.
- Ask about the marketing program they will be using during the listing process. It's the key to gaining maximum exposure of the property and for the overall success of the sale.
- Always ask questions. The more you know the more in control you will be

## Options:

1. Keep property & use it as rental income and sell at a later date.
2. Selling the property and disburse funds to beneficiaries.

# Pros & Cons of Keeping the Property

## Pros:

1. Extra Income (from rent received).
2. Long term profit (the home can appreciate in value over time).
3. It helps create a legacy for the family.



# Cons:

1. Taxes (Property taxes, taxes on rental income)
2. Repairs and Maintenance
3. Landlord Insurance
4. Property Management Fees
5. Emergencies (Unexpected)
6. Legal Issues (ex, claims)
7. Letting Go (Being a landlords means cutting emotional ties to your property)

The Realtor will also be able to help you find appraisers, surveyors and other real estate professionals that you may need to sell the real estate. And, the Realtor can offer you ideas on how to increase the value of the property by doing some basic repairs. It is recommended that you check with your accountant to be sure that you are not creating any tax liabilities by doing this.

\*\*It is always recommended to consult with an attorney and an accountant to determine your specific needs regarding the probate and to be sure that you are meeting all of the requirements of your state.

# Costly mistakes, and how to avoid them!

- SELECTING THE WRONG SERVICE PROVIDERS TO HELP LIQUIDATE THE ESTATE AND PREPARE IT FOR SALE
- THINKING THE PROBATE PROCESS WILL ONLY TAKE A FEW WEEKS AND RELYING ON YOUR ATTORNEY TO HANDLE EVERYTHING
- NOT SECURING THE ESTATE'S PERSONAL PROPERTY (create an inventory of all personal property) example : jewelry, antiques, rare painting etc...
- LEAVING THE PROPERTY UNINSURED OR UNDERINSURED AS YOU SETTLE THE ESTATE
- ATTEMPTING TO SELL THE ESTATE'S REAL PROPERTY WITHOUT UNDERSTANDING THE MARKET

# Questions & Answers:

Q: How do you interview a Probate Real Estate Agent?

A: Asking the right questions can help you understand the process and determine which agent can best assist you in selling your probate or trust property. Be sure to consider the benefits of specialized knowledge and years of experience as you interview real estate agents.

Q: How long have you been selling probate?

A: Probate & trust Sales can be complicated. Its important to have a seasoned agent who has experience in this marketplace. The agent needs to be familiar with the terms of Probate, the probate process and documents that apply.

Q: What Sets you apart from other agents?

A: Look for an assertive agent who can describe their services, relevant experience and unique capabilities.

Q: How will you market the home?

A: This home is different than a traditional sale. Ask to see how the agent has done it with similar probate or trust properties.

Q: Sign or Read?

A: The agent needs to be skilled in Probate & Trust and current contract documentation. They need to be able to explain these documents to the clients. Your agent should be able to handle the offer and all the paperwork for the entire real estate transaction, from beginning to end.

Downsizing for seniors requires special consideration. This checklist for senior downsizing is filled with tips that will help you overcome any challenges you might face.

## Here is your Essential Checklist:

1. Evaluate and process the reason for senior downsizing.
  - a) Maintenance
  - b) Cost of Living
  - c) Health Issues
2. Create a system for letting go of belongings.
  - a) Declutter
  - b) Donate
  - c) Document

## Rache Boston, Managing Broker

Presidents Elite Award & Chairman Circle consecutively from 2003-2017. Top 5% in the state for 2012-2017

Specializing in unique listing and marketing strategies in the City of Renton, City of Seattle and all over King & Pierce County, and individualized results-driven marketing,



- Over 700 transaction successfully sold and closed
- Member of the National Association of Realtors
- GO GREEN– Paperless Specialist
- Work extensively with Single Family & Multi-family properties
- Work extensively with Foreclosed Properties and Short Sales
- Equator Certified– Short Sale and REO
- Extensive work with Estate/Probate Properties
- Washington State Licensed Managing Broker
- Experience in Property Management and New construction
- Voted Seattle's FIVE STAR Real Estate Agent Best in Client Satisfaction
- Appeared on KIRO News for Real Estate Consultant
- Successfully Train and Mentor New Real Estate Brokers
- Letters of Recommendation from satisfied Clients
- Successfully negotiated complex transaction

## Misty Scott, Broker/Transaction Coordinator

- Over 15 years real estate experience
- Successfully coordinates all Real Estate transactions
- Short Sale/Foreclosure, Residential File Management
- Successful in high volume real estate transactions
- Efficient in the Equator system for short sales
- Social Media and database management
- Customer Service specialist



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**John L. Scott**  
REAL ESTATE

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