



What Is Probate?

If the property was not owned in a trust, or in another vesting that provides Right of Survivorship, probate will be required before the property can be listed and sold.

Probate is the court's legal process for determining ownership and ensuring the decedent's assets are distributed according to law.



CORINTHIAN
TITLE COMPANY



TESTATE vs INTESTATE

Testate: The decedent left a valid Will. The Will directs who will inherit and often names an Executor to handle the estate.

Intestate: The decedent did not leave a valid Will. State law determines who the heirs are, and the court appoints an Administrator to manage the estate.



EXECUTOR vs ADMINISTRATOR

Executor: Court-appointed individual named in the Will to administer the estate according to its terms.

Administrator: Court-appointed individual when there is no Will. They must follow California's laws of intestate succession.



COURT AUTHORITY & SELLING PROPERTY

The court must authorize whether property can be sold during probate.

- Independent Administration (most common): Property can often be sold with little to no court approval.
- Dependent Administration: Court approval (a hearing) is required before listing and selling the property.



TYPICAL PROBATE TIMELINES*

- Simple estates (no disputes, no court hearings): 4–9 months
- Estates with court supervision or hearings: 9–18 months
- Complex estates or disputes: 18+ months

*Timelines vary by county and case complexity.



WHY PROBATE MATTERS

Until probate is complete (or the court authorizes a sale), the personal representative does not have clear legal authority to transfer title. Attempting to sell without proper authority can delay or even invalidate the sale.

A pre-listing title review can help identify whether probate is required and what steps are needed before the property can go to market.

KEY TAKEAWAY



If the property is not protected by a Trust or Right of Survivorship, probate will be required to establish legal ownership and authority to sell. Understanding the type of probate, who has been appointed, and whether court approval is needed can help avoid delays and surprises.

Keeping Title Cool. Closing with Confidence.



714-767-4493



Adrian@CorinthianTitle.com



www.AdrianCrandall.com