

DE TU LADO CASAS · THE REAL BROKERAGE

What happens to the house when someone you love passes away?

Breathe. You don't have to understand everything today, you don't have to decide this week, and you never have to sign anything in a hurry. This is a clear, honest guide to an inherited home — written to walk beside you, not to pressure you.

Free guide · no sign-up

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A note to your family

THE MOST IMPORTANT THING

This guide covers the property side. It is not legal or tax advice — legal questions go to your attorney, tax questions to your CPA.

First, we're deeply sorry. Losing a loved one is one of the hardest things there is. And now, on top of grief, come questions about the family home. That wears on the heart.

We want you to know three things from the start: you have time, you have options, and you have rights. You don't have to understand everything today. You don't have to decide this week. And no matter what, you never have to sign anything in a hurry.

My job is not to pressure you. My job is the property side: protecting the home, preparing it, and — when your family is ready — selling it with full transparency, always on your side. I work for your family and alongside your attorney, never against them.

If someone calls or knocks “to buy your house fast for cash,” hang up or say goodbye calmly, and read the *El Vendido Trajeado* section. There I explain how to recognize anyone trying to strip the value from your family's home.

REMEMBER

Inheriting a home doesn't mean losing it. The challenge is almost always paperwork and timelines — not your right to the home.

What happens to the house

What happens to the house depends on how title was held when the person died. Your attorney will confirm your situation. Broadly, there are three paths.

1. The house avoids court

If the home was in a trust, held in joint tenancy with right of survivorship, or had a Transfer-on-Death deed, it usually passes to the new owners without court. California's TOD deed is valid under a law currently set to expire January 1, 2032.

2. The house goes through probate

If the home was in the decedent's name alone, a probate court case is almost always needed. Here in the Antelope Valley, that is Los Angeles County. Your attorney will tell you exactly where and when hearings happen.

3. A simplified small-estate path

California allows shorter paths for small estates. Your attorney will say if you qualify, and the exact figure depends on the date of death (see below).

If the estate is small, full probate may not be needed:

- A primary residence worth up to \$750,000 can transfer with a simplified petition (Form DE-310) instead of full probate. Primary residence only — not rentals. (Prob. Code §§13150–13158)
- Personal property up to \$208,850 (for deaths on or after April 1, 2025) can be claimed by affidavit. This affidavit does not transfer real estate. (Prob. Code §13100)
- Property of modest value may use another affidavit (up to \$69,625). (Prob. Code §13200)

What if there was no will?

If there was no will (intestate), California law decides who inherits — usually the spouse and/or children. This does not change your right to inherit; it only changes the paperwork.

CONFIRM WITH YOUR ATTORNEY

Only your attorney can tell you which of these paths applies to your family.

3 • WHO DOES WHAT

Who does what

Selling an inherited home is teamwork. Everyone has their lane — and that protects you.

The attorney — the legal lane

Opens the court case and appoints you personal representative — executor (with a will) or administrator (without one). Gets the Letters that give you legal authority, handles creditors, and guides every legal step. All legal questions go to them.

The CPA — the tax lane

Explains stepped-up basis, any capital gains, and any tax withholding. All tax questions go to them.

Sal Bermudez — the property “quarterback”

I handle everything to do with the house:

- Honest market valuation.
- Securing a vacant home: locks, insurance, preventing theft and vandalism.
- Cleanouts — including difficult hoarding or hazmat cases, via vetted vendors.
- Deciding together: sell “as-is” or make repairs that are worth it?
- Marketing the home in English and Spanish to reach more buyers.
- Coordinating escrow and working with the court timeline and your attorney.

I never give legal or tax advice, and I never contradict your attorney.

4 · THE STEP-BY-STEP PATH

The step-by-step path

Every case is different and no one can guarantee timelines, but here's what a typical probate-with-sale looks like in Los Angeles County.

- 1 Gather documents and talk to an attorney.
- 2 File the case. The first hearing is usually set about 4–6 weeks later.
- 3 The court appoints you personal representative and issues Letters. Your authority begins here.
- 4 Creditor period. By law, creditors have time to file claims. This cannot be shortened.
4 months
- 5 The probate referee values the home as of the date of death.
- 6 Prepare and market the home: secure, clean out, decide repairs, list.
- 7 Accept an offer. What follows depends on your authority.
15-day notice
- 8 Close escrow and distribute the money to heirs per law or the will.

Two kinds of authority

Full authority (IAEA): you can sell without court confirmation. A Notice of Proposed Action is sent; heirs have 15 days to object. With no objection, it closes without a hearing. The 90% rule does not apply here.

Limited authority or no IAEA: the sale needs court confirmation, and the price must be at least 90% of the appraised value. At the hearing there can be overbids. (Prob. Code §§10308–10311)

OVERBID EXAMPLE

If the accepted offer is \$500,000, the first minimum overbid is \$525,500 — 10% of the first \$10,000 (\$1,000) plus 5% of the remainder (\$24,500).

Overall, a typical California probate takes 12 to 18 months; cases with disagreements can take longer. Los Angeles County courts are high-volume, so hearing dates can be far out.

WHERE WILL THE HEARING BE?

You file your case locally at the Michael D. Antonovich Antelope Valley Courthouse in Lancaster (in person or online). But as of February 2, 2026, Antelope Valley probate hearings are heard at the Stanley Mosk Courthouse in downtown Los Angeles, and many can be done remotely. Your attorney will tell you exactly where yours will be.

5 • DO WE HAVE TO REPAIR IT?

Do we have to repair it?

Many inherited homes sell “as-is.” The good news: as an estate’s representative, you’re usually exempt from the Transfer Disclosure Statement (TDS) that ordinary owners complete. (Civ. Code §1102.2)

But “as-is” does not mean hiding things. The law still requires honesty — which is exactly how we work:

- You must disclose known material problems with the home.
- A Natural Hazard Disclosure is provided (flood or fire zones, etc.).
- As your agent, I perform a visual inspection and report what’s visible. (Civ. Code §2079)
- You must answer truthfully if there was a death on the property within the last 3 years. (Civ. Code §1710.2)

A NOTE ON TRUSTS

If the home is in a trust, the disclosure exemption may not apply if the signer owned or lived in the home in the prior year. Your attorney confirms this.

Should you repair or sell “as-is”? We decide together. Sometimes small repairs raise the price a lot; sometimes they aren’t worth it. I’ll give you honest numbers so you can decide — no pressure.

The money

Who pays the costs?

Almost all selling costs — prepping the home, commissions, escrow, court costs — come out of the estate (the sale proceeds), not your personal pocket. Bills are paid first; what's left is divided.

How is it split among heirs?

After debts, mortgage, taxes, and costs are paid, the remaining money is divided per the will or, if none, per California law. With multiple heirs, each gets their share; no one can take another's share.

Taxes — good news for most

- California has no state estate tax.
- The federal estate tax only applies to estates over \$15 million per person (2026). The vast majority of families owe nothing.
- Stepped-up basis is usually your best friend: the home's "cost value" resets to its value on the date of death. If you sell near that value, there's usually little or no capital gains tax. In California, community-property homes may get an even larger step-up. Ask your CPA. (IRC §1014)

PROPERTY TAX DURING PROBATE

The property tax bill keeps coming and must be paid while the case is open.

Every family is different. Tax figures are confirmed by your CPA, not your agent.

7 • EL VENDIDO TRAJEADO — PROTECT YOURSELF

El Vendido Trajeado — protect yourself

As soon as a probate case opens, the records become public. That's why some families start getting calls, letters, and door-knocks from people who want to "buy the house fast." We call this figure El Vendido Trajeado — the suited sellout: well-dressed, friendly-sounding, but whose business is stripping the equity from your family's home.

▲ RED FLAGS

- Offers fast cash well below true value.
- Rushes you: "sign today," "this offer expires tomorrow."
- Shows up unsolicited, right after the death.
- Says you don't need a lawyer or inspection.
- Wants a contract assignment (wholesaling) — then resells your contract to someone else.
- Asks you to sign something that looks like a deed "just to start."

Golden rule: you never have to sign anything in a hurry.

No honest paperwork “expires tomorrow.” Before signing anything, show it to your attorney and to me. A well-prepared home on the open market is almost always worth more than a “fast cash” offer.

8 • SPECIAL SITUATIONS

Special situations

Heirs don't agree

This is very common. Ideally the family decides together; if not, your attorney can explain the legal options. My job is to give everyone the same clear information so they can decide calmly, with no one feeling pressured.

An heir lives in the home

This is handled respectfully and with the attorney's guidance. Who can stay, for how long, and under what terms are legal questions for your attorney. We don't make that decision for the family.

Keep or sell? Prop 19

This is often the most important decision. Prop 19 changed how low property tax is inherited:

- If a child inherits the home, moves in within 1 year, and files the homeowner's exemption, they can keep much of the low property tax — up to a cap of \$1,044,586 over the base value (for transfers Feb 16, 2025–Feb 15, 2027). Value above the cap is added to taxable value.
- If no one moves in, or it's a rental, the home is reassessed at market value and property tax can jump a lot. This often decides keep-vs-sell.

CONFIRM WITH YOUR ATTORNEY AND CPA

Prop 19 numbers and deadlines change and depend on your case. Confirm them before deciding.

There's a mortgage

A federal law called Garn–St. Germain protects relatives: the bank generally cannot demand full payment just because the home was inherited. You can keep paying the mortgage while the family decides. (12 U.S.C. §1701j-3)

There's a reverse mortgage

Here time matters. A reverse mortgage (HECM) comes due at death. Heirs usually have about 30 days to respond and up to 6 months (with possible extensions) to sell, refinance, or pay. The payoff is the lesser of the balance or 95% of appraised value, and you never owe more than that. Call the loan servicer early — silence speeds up foreclosure.

A possible Medi-Cal claim

Since 2017, the state can only claim against the probate estate, and cannot claim if there's a surviving spouse or registered partner. There are exemptions for modest-value homes and for hardship. Your attorney handles this.

Relatives abroad or mixed-status

This matters, and is nothing to be ashamed of:

- You can inherit regardless of immigration status. Inheriting doesn't depend on having papers.
- To receive the money and for taxes, your CPA will discuss ITIN vs. Social Security Number.
- If an heir is a foreign or nonresident person, a federal withholding called FIRPTA may apply (and in California, Form 593). There are ways to request reducing it. Your CPA handles this; it's not a punishment.
- For relatives abroad: signing remotely, a power of attorney, an apostille, a notary, or the consulate can help. International wire transfers take planning.

All of this is discussed with your attorney and CPA. It is never a reason not to inherit, or to be afraid.

9 • FIRST STEPS & DOCUMENTS

First steps & documents

First steps — no rush

- Get several certified copies of the death certificate.
- Secure the home: change locks, confirm insurance, collect the mail.
- Don't throw away important documents yet.
- Don't sign anything from “fast buyers.”
- Talk to a probate attorney.
- Call me to secure and value the property when you're ready.

Documents to gather

- Death certificate
- Will or trust
- Deed
- Mortgage statements
- Property tax bills
- Insurance policies
- Utility bills
- Heirs' IDs

10 • FREQUENTLY ASKED QUESTIONS

Frequently asked questions

Will we lose the house?

Inheriting doesn't mean losing the house. There are protections (like Garn–St. Germain for the mortgage). The challenge is usually paperwork and timelines — not losing your right.

Do we owe taxes?

Most families owe no estate tax (California has none; federal only above \$15 million). Stepped-up basis usually greatly reduces capital gains. Confirm with your CPA.

What if we can't agree?

First we talk as a family with clear information. If that doesn't work, your attorney explains the legal options.

What if a relative is undocumented or lives abroad?

They can still inherit. There are practical matters (ITIN, FIRPTA, signing remotely) your attorney and CPA handle calmly. It's no reason to be afraid.

How long does it take?

A typical probate: 12 to 18 months. No one can guarantee an exact date.

Do we have to sell “as-is”?

Many inherited homes sell “as-is,” but sometimes small repairs raise the price a lot. We decide together, with honest numbers.

11 • SPANISH-ENGLISH GLOSSARY

Spanish–English glossary

All your official documents will arrive in English. This list helps you recognize the words. Some have no exact translation and are best learned in English.

ENGLISH (ON YOUR DOCUMENTS)	SPANISH
Probate	legalización de testamentos (sucesión)
Probate court	corte testamentaria

Estate	patrimonio
Personal representative	representante personal
Executor	albacea (con testamento)
Administrator	administrador (sin testamento)
Letters Testamentary / of Administration	Cartas testamentarias / de administración
Will · Intestate	testamento · sin testamento (intestada)
Heir · Beneficiary	heredero · beneficiario
Trust · Trustee	fideicomiso · fideicomisario
Probate referee	árbitro testamentario
Appraisal · Inventory	valuación · inventario
Notice of Proposed Action	Aviso de Acción Propuesta
Court confirmation	confirmación de la venta por la corte
Overbid ★	oferta superior en la audiencia
Creditor · Lien	acreedor · gravamen
Deed · Grant deed	escritura · escritura de traspaso
Title	título de propiedad
Escrow ★	depósito en garantía
Disclosure	divulgación / revelación
Capital gains	ganancias de capital
Stepped-up basis ★	base ajustada al fallecer
Estate tax · Property tax	impuesto sobre el patrimonio · impuesto predial
Reassessment	reevaluación
Mortgage · Reverse mortgage	hipoteca · hipoteca inversa
Affidavit · Hearing	declaración jurada · audiencia
Spouse · Community property	cónyuge · propiedad comunitaria
Joint tenancy	propiedad conjunta (con supervivencia)

12 · OFFICIAL RESOURCES

Official resources

I gathered the official resources families most often need, with one line on what each is for. These are government pages — this is not legal or tax advice; your attorney and CPA confirm what applies to your case.

COURT & FORMS

- **Official guide: property after someone dies (California Courts)**

The state's best plain-language starting point.

<https://selfhelp.courts.ca.gov/probate>

- **When court may not be needed (simple transfers)**

Shorter paths for small estates.

<https://selfhelp.courts.ca.gov/probate/simple-transfer>

- **Form DE-310 – Primary residence (up to \$750,000)**

Simplified petition for the primary residence.

<https://selfhelp.courts.ca.gov/jcc-form/DE-310>

- **Form DE-221 – Spousal / Partner Property Petition**

A one-hearing path for a surviving spouse.

<https://selfhelp.courts.ca.gov/jcc-form/DE-221>

- **LA Superior Court – Probate Division**

County info, self-help workshops, and forms.

<https://www.lacourt.ca.gov/pages/lp/probate>

- **Antonovich Antelope Valley Courthouse (Lancaster)**

Where you file locally (42011 4th St. West, Lancaster).

https://www.lacourt.ca.gov/page/GI_COURTHOUSE/ATP

THE HOME'S VALUE

- **Probate referee (State Controller)**

Who values the home as of the date of death, and why.

https://www.sco.ca.gov/eo_probate.html

PROPERTY TAX · PROP 19

- **Proposition 19 – LA County Assessor**

How to keep the low tax; the BOE-19-P claim is filed within 3 years of transfer.

<https://assessor.lacounty.gov/prop19>

- **Proposition 19 – State Board (BOE)**

The state rules and the current cap (\$1,044,586).

<https://boe.ca.gov/prop19/>

VITAL RECORDS

- **Death certificates – LA County Registrar-Recorder**

To order certified copies of the death certificate.

https://rrcc.lacounty.gov/Recorder/BD_Request.cfm

FOR RELATIVES ABROAD

- **FIRPTA – federal withholding (IRS)**

For foreign or nonresident heirs; reductions exist.

<https://www.irs.gov/individuals/international-taxpayers/firpta-withholding>

- **Apostille – California Secretary of State**

To use a power of attorney signed outside the country.

<https://www.sos.ca.gov/notary/authentication>

HOW I CAN HELP

How I can help

When your family is ready – no rush – I'm here for the property side: securing the home, valuing it honestly, preparing it, and selling it with full transparency.

I speak Spanish and English, and I understand this is the family home, not just “a property.” I won't ask you to sign anything in a hurry. I won't give legal or tax advice – that's what your attorney and CPA are for. I'll just give you clear information and work on your side.

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Legal notices. This guide covers the property side and is not legal or tax advice. Laws, amounts, and deadlines change; confirm them with your attorney and CPA before making decisions. References: California Probate Code, Civil Code, IRC, Garn–St. Germain Act, Proposition 19. Figures current for 2025–2026. Sal Bermudez, DRE# 01850625 · De Tu Lado Casas · The Real Brokerage. Equal Housing Opportunity.