

Understanding TRUST & PROBATE SALES

If you're buying or selling real estate, you may hear about **TRUST SALES** and **PROBATE SALES**. Understanding the differences between the two can help you navigate the process with confidence.

TRUST SALES

A trust sale occurs when a property is held in a living trust and the named trustee sells the property according to the terms of the trust.

ESSENTIAL DETAILS

- ✦ Court approval is usually not required, saving time and money.
- ✦ One trustee often makes the decisions, making the process smoother.
- ✦ Even if multiple trustees are involved, buyers usually won't notice internal discussions.
- ✦ Offers can be accepted more quickly, making it a more traditional sale.
- ✦ Disclosures and conditions reports may be more limited, depending on the trustee's knowledge of the property.
- ✦ A trust document governs the process, not the court.

PROBATE SALES

A probate sale occurs when a property was owned solely by the deceased and no trust is in place. The sale must go through the probate court process.

ESSENTIAL DETAILS

- ✦ The sale requires court supervision and approval from start to finish.
- ✦ A court-appointed Executor and real estate agent handle the transaction (with or without court confirmation).
- ✦ Often includes hearing dates and overbidding procedures (if court confirmation is required).
- ✦ The process is usually slower and more complex.
- ✦ Disclosure obligations may be minimal.
- ✦ Homes are commonly sold "as-is", with no warranties or repairs by the estate.
- ✦ Buyers take on more risk, as the previous owner cannot be held responsible for issues with the property.
- ✦ These sales can be great opportunities for buyers, but patience is key.

Whether involved in a trust or probate sale, it's essential to work with a real estate agent experienced in these transactions to ensure compliance with legal requirements and minimize delays.