PROBATE GUIDE 2 OF 3

How to Sell a Home in Probate in Oregon

What to do before you list, how the sale works, and how to keep the family on the same page.

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Holli Cobb, REALTOR® | Holli Sells Homes | REAL Broker



Selling a house in probate is not a normal listing.

You're making decisions about a house while you're grieving, often on a timeline you didn't choose, sometimes about a house you never lived in.

I spent more than 30 years as a paramedic and ER nurse before real estate. Staying calm when things are hard is the part of the job I know best.

The house itself isn't harder to sell. The process around it is different. This guide walks through that process, so you know what's coming before you're in the middle of it.

I'm not an attorney, and this isn't legal or tax advice. Your estate attorney and CPA are your experts on those parts. I'm your expert on the house.

MY MOTTO

It's All Figure-Out-Able. Even this. One step at a time.

Step one is not listing the house

Before a sign goes in the yard, you need to know who is allowed to sell and what the court requires.

Who can sign

The personal representative is the one who signs the listing agreement and the sale paperwork. They'll need a copy of the letters from the court to prove it.

Do you need the court's permission?

Under Oregon law, a personal representative can generally sell estate property without a court order. There are exceptions. Court approval may be needed if the will doesn't allow the sale, if the house was left to a specific person, or if the court limited the personal representative's powers. Any limits are written on the letters.

Ask your attorney on day one which situation you're in. Guessing wrong halfway through a sale is the expensive way to find out.

Using a small estate affidavit instead?

The rules are different. Before a two-year waiting period ends, the house can only be sold if every heir or devisee who would inherit it signs the deed. Talk to your attorney before you plan a sale.

Get the family on the same page

When more than one person inherits, everyone usually has opinions. Disagreement is normal. It doesn't mean anything is wrong.

- **Start with the same facts.** I'll give every heir the same value information at the same time, so the talk is about the house, not about who heard what.
- **Talk about keeping vs. selling.** Sometimes one heir wants to buy out the others. That starts with an honest number too.
- **Agree on the big three:** the price range, the timeline, and whether to fix anything first.
- **Pick one point of contact.** Usually the personal representative. It keeps things from getting crossed.

Protect the house while you decide

- [ ] Tell the insurance company the house is empty and ask what coverage it needs.
- [ ] Keep the heat on in winter, and have someone check the house regularly.
- [ ] Keep up the yard and snow so it doesn't look vacant.
- [ ] Don't remove or give away big items until your attorney says it's okay.

Sell as-is, or fix it up first?

Many inherited houses were lived in for years by someone who wasn't updating the kitchen or replacing the roof on a schedule. So the real question is whether repairs will pay you back.

Selling as-is can make sense when

- The family lives far away.
- Repairs would be big or slow.
- The estate needs to settle sooner.
- Heirs don't agree on spending money.

Fixing a few things can make sense when

- Small, visible fixes would change how buyers see it.
- The house is close to move-in ready.
- There's time and someone to manage the work.
- The numbers show the repairs pay back.

Clearing out the house

Decades of belongings can feel overwhelming. Take your time with family keepsakes. Then decide what gets sold, donated, or hauled away. I can point you to local help for estate sales, cleanouts, and repairs.

How the sale works

Once the groundwork is done, I sell a probate home the same way I sell every home, with my Seller's Advantage Home Selling System.

1 **Prepare**
Get the house ready for photos and showings, whether that's a deep clean or a few repairs.

2 **Position**
Price it from real sold homes and today's competition, in the condition it's actually in.

3 **Market**
Professional photos and video, targeted online ads, and follow-up with every buyer who shows interest.

4 **Negotiate**
Judge every offer by what the estate actually walks away with, not just the price on top.

5 **Guide**
Keep everyone on the deadlines, and coordinate with your attorney and the title company through closing.

About disclosures

Oregon law excuses court-appointed personal representatives from filling out the standard seller property disclosure statement. That doesn't apply to everyone, including most trustees of a living trust. Ask your attorney what applies to you.

Money questions to take to your CPA

I won't guess at your tax numbers. A wrong number from a guide could cost you real money. But here are the questions worth asking before you sell:

- **What's our tax basis?** For inherited property it's generally the fair market value on the date of death, per the IRS. A date-of-death appraisal can help.
- **Does Oregon's estate tax apply?** Oregon has its own estate tax, separate from the federal one, and it can apply to estates the federal tax doesn't touch.
- **Who pays what at closing?** And what bills have to be paid before the money goes to the heirs?

Your selling checklist

- [ ] Talk to an estate attorney and get the letters from the court.
- [ ] Confirm whether the sale needs court approval.
- [ ] Insure and protect the house while it's empty.
- [ ] Get everyone the same value information.
- [ ] Decide: sell as-is, or fix a few things first.
- [ ] Clear out the house once keepsakes are handled.
- [ ] List it, market it, and judge offers by the net.

Let's start with where the estate stands.

Holli Cobb, REALTOR®

Call or text: 541-640-3800

Holli@HolliSellsHomes.net

HolliSellsHomes.net

**It's All Figure-Out-Able.
Remember, that's Holli with an "i."**



This guide is general information about Oregon law as of November 2026. It is not legal or tax advice, and I am not an attorney or a CPA. Laws change and every estate is different, so talk with an Oregon estate attorney and a tax professional about your situation. Holli Cobb is a licensed real estate broker in Oregon (License 201238339) with REAL Broker. If your home is currently listed with another broker, this is not a solicitation. Equal Housing Opportunity.