PROBATE GUIDE 1 OF 3

What Is Probate?

A plain-English guide for Oregon families who just found out they have to deal with it.

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



First, take a breath.

If you're reading this, someone you love has probably passed away, and now there's a word on the table you may never have had to think about before.

I spent more than 30 years in emergency medicine as a paramedic and an ER nurse before I became a REALTOR®. I've sat with a lot of families on the worst day of their lives. What I learned is that people handle hard things better when somebody tells them plainly what happens next.

That's all this guide is. What probate is, who does what, and what you can do in the first few weeks. No legal jargon, and no pressure.

I'm not an attorney, and this isn't legal advice. Your estate attorney is the one who tells you exactly what applies to your family. My job is to help you understand the house part, and to be someone you can call.

MY MOTTO

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

What probate actually is

Probate is the court process that settles someone's estate after they die.

The Oregon State Bar describes it as a legal process where a court oversees how a person's assets get passed on. In everyday words, probate answers three questions:

- **What did they own?** The house, the car, bank accounts, belongings.
- **What did they owe?** Bills, loans, the mortgage, final expenses.
- **Who gets what?** Based on the will, or on Oregon law if there isn't one.

If there's a will, the court makes sure it's followed. If there isn't one, Oregon has rules for who inherits. That's called intestate succession.

Who's who

Personal representative

The person in charge of the estate. Other states say "executor." Oregon law uses "personal representative" for everyone in this role, whether or not there was a will.

Heirs and devisees

The people who inherit. A devisee is someone named in the will. An heir is someone who inherits under Oregon law when there is no will.

Letters

The court paper that proves the personal representative has authority. Banks, title companies, and I will ask to see a copy.

The court

In most Oregon counties, probate runs through the circuit court. For Deschutes County, that's Deschutes County Circuit Court in Bend.

Your attorney

Handles the legal steps and files the paperwork. Your attorney is the one who answers "what am I allowed to do?"

Not every house has to go through probate

Before you assume the worst, ask your attorney whether one of these applies. Any of them can mean a simpler path:

- **A living trust.** If the house was actually moved into the trust, the trustee handles it outside of court.
- **A transfer on death deed.** Oregon allows these. If one was recorded before the owner died, the house goes straight to the named person.
- **Joint ownership.** When a house is owned with a right of survivorship, the surviving owner often owns it automatically.
- **A small estate.** Under current Oregon law, if the estate has no more than $75,000 in personal property and no more than $200,000 in real property, a simpler small estate affidavit may work instead. It can't be filed until 30 days after the death.

One important catch

A trust only avoids probate for things that were actually put into it. Families are sometimes surprised to find a trust on paper but a house that was never moved into it. Your attorney can check the deed.

How Oregon probate usually goes

Every estate is different, but most Oregon probates follow this general order.

1 **Open the case**
Your attorney files with the circuit court. The court appoints the personal representative and issues letters.

2 **Let the family know**
Within 30 days of being appointed, the personal representative has to send information to the heirs and devisees.

3 **Notify creditors**
A notice runs once in a local newspaper. Creditors then have 4 months from that notice to make a claim. Known creditors are notified directly.

4 **Take inventory**
List what the estate owns and what it's worth, including the house.

5 **Pay the bills**
Valid debts, final expenses, and taxes get paid from the estate. Sometimes that means selling the house.

6 **Pass things on and close**
What's left goes to the heirs or devisees, and the court closes the case.

How long does it take?

The Oregon State Bar says probate takes at least four months, and longer when property is slow to sell or there are tax questions. Plan for it to take a while, and you won't be caught off guard.

Your first 30 days

You don't have to do everything at once. These are the things that protect the house and the estate while the legal side gets started.

- [ ] Lock up the house and keep a list of who has keys.
- [ ] Call the homeowner's insurance company. Tell them the owner passed away and ask what they need if the house sits empty.
- [ ] Keep the power and heat on. Central Oregon winters are hard on empty houses and frozen pipes are expensive.
- [ ] Forward the mail and watch for bills, tax statements, and the mortgage statement.
- [ ] Don't throw away paperwork. Deeds, wills, account statements, and old tax returns all matter.
- [ ] Don't sell, give away, or move big items until your attorney says it's okay.
- [ ] Order several copies of the death certificate.
- [ ] Call an Oregon estate attorney.

A WORD ABOUT TAXES

Inherited property is usually treated differently for taxes than property you bought. Oregon also has its own estate tax, separate from the federal one, for larger estates. A CPA or tax professional should look at your situation before anything is sold.

Where I fit in

The attorney handles the legal process. I handle the house.

When the time comes to sell, or even just to understand what the house is worth, that's where I can help. Here's what that looks like:

- **An honest number.** What the house is worth as it sits today, and what it might be worth with a few repairs, so the family can decide with real information.
- **One set of facts for everyone.** When there's more than one heir, I make sure everyone gets the same information at the same time.
- **Working with your attorney.** I follow the court's timeline and coordinate with your attorney, not around them.
- **Help from a distance.** If you live out of the area, I can be your eyes and ears on the house.

Want to know more? Guide 2 covers selling a home in probate, and Guide 3 is for buyers interested in probate homes.

Questions? Call me. Even if you're not ready to sell.

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.