



Probate Guide: 6 Ways to Navigate Probate

STARTING APRIL 1, 2025, CALIFORNIA'S PROBATE LAWS WILL CHANGE WITH THE IMPLEMENTATION OF ASSEMBLY BILL 2016 (AB 2016), INTRODUCING A STREAMLINED PROCESS FOR TRANSFERRING PRIMARY RESIDENCES VALUED UNDER \$750,000. THIS NEW LAW REDUCES COSTS BY AVOIDING FORMAL PROBATE, SPEEDS UP PROPERTY TRANSFERS, AND SIMPLIFIES THE PROCESS WITH FEWER LEGAL HURDLES. THE NEW PETITION ALLOWS SUCCESSORS TO INHERIT A DECEDENT'S PRIMARY RESIDENCE MORE EFFICIENTLY, PROVIDED THEY NOTIFY ALL HEIRS AND DEVISEES. SINCE THE LAW APPLIES TO BOTH REAL ESTATE AND PERSONAL PROPERTY IN CALIFORNIA, HOMEOWNERS SHOULD REVIEW ESTATE PLANS, UPDATE DOCUMENTS, AND CONSULT WITH ESTATE PLANNING PROFESSIONALS TO ENSURE COMPLIANCE WITH THE NEW THRESHOLDS.

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6 Ways to Navigate Probate

1

Sell for Cash: Selling the property to an investor or direct cash buyer allows for a quick closing, often within days or weeks. This eliminates legal delays, avoids costly repairs, and provides heirs with immediate funds. Cash buyers typically purchase homes “as-is,” making this a great option if the property is in poor condition or if you want to avoid drawn-out probate processes.

Best for: Heirs who want a fast, hassle-free sale and immediate cash.

Considerations: Cash offers may be below full market value, but they eliminate the risk of ongoing expenses and probate-related delays.

2

Traditional Listing: Listing the property with a real estate agent allows you to attract buyers on the open market, which can result in a higher sale price. However, this option requires more time and effort, as probate proceedings must be finalized before the sale can close. The home may also need repairs or upgrades to attract buyers and secure a strong offer.

Best for: Heirs who have time to sell and want to maximize the property’s value.

Considerations: Traditional sales can take months, and heirs are responsible for mortgage payments, taxes, and maintenance during this time.

3

Seller Financing: Instead of selling the home for a lump sum, heirs can offer financing to a buyer (often an investor), who then makes payments over time. This strategy provides steady income while allowing the buyer to take control of the property.

Best for: Heirs who want passive income and are comfortable acting as a lender.

Considerations: Payments depend on the buyer’s ability to pay, and heirs must manage the loan terms and collection process.

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4

Refinance & Rent: If heirs want to keep the property but need to cover mortgage debt or other expenses, refinancing can provide necessary funds. By renting out the property, they can generate passive income to cover costs while maintaining ownership.

Best for: Heirs who want long-term financial benefits and can manage rental property.

Considerations: Requires a strong credit score and sufficient income to qualify for refinancing. Being a landlord comes with responsibilities like property maintenance and tenant management.

5

Subject-To Sale: In this arrangement, an investor takes over the existing mortgage payments without formally assuming the loan. The property remains in the original owner's name, but the buyer controls the home and payments. This can be a useful strategy if the heirs want to avoid foreclosure but don't qualify for refinancing or need to sell quickly.

Best for: Heirs who want to walk away from the mortgage without affecting their credit.

Considerations: The original mortgage remains in the heir's name, and they are still legally responsible if the investor stops making payments.

6

Partition Sale: When multiple heirs inherit a property and cannot agree on what to do with it, a court may order a partition sale. This forces the property to be sold, and proceeds are divided among the heirs. While this ensures a resolution, it often results in a lower sale price and additional legal fees.

Best for: Situations where co-heirs cannot agree on selling, keeping, or renting the property.

Considerations: Court involvement can lead to delays, legal fees, and a forced sale price that may be lower than market value.

6 Ways to Navigate Probate

Take Action Today!

The sooner you take action, the more options you have. If you're unsure which solution is best for you, let's talk! We help homeowners navigate probate and find the best path forward.

Call/Text: 661-936-4406

Email: contact@werescuehomes.com

Website: werescuehomes.com

**You have options—don't wait until it's too late.
Reach out today!**