

Guide

# Probate guide for sellers



  
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## **Disclaimer**

We are not solicitors and cannot provide legal advice. This guide is simply meant to provide an overview of the process. For any specific questions about wills, probate, inheritance tax, or legal authority, please consult a qualified solicitor.

# Introduction.

Probate sales can be emotional and complex - all at a time when you're already emotionally stretched.

We understand that this isn't just another property sale and our team has supported many families and executors through the process.

This guide walks you through it all step-by-step, so you know exactly what to expect.

As you navigate this process, let us know if you have any questions - our team are on hand to make it as easy as possible.

# Probate explained.

Probate is the legal process that allows someone to handle the estate of a person who has passed away. This includes:

- Proving the will (if one exists)
- Appointing an executor (with a will) or administrator (without a will) - the person who will be responsible for the estate
- Identifying assets and debts - any debts will need to be settled
- Distributing the remaining assets to the correct beneficiaries

A property can only be legally sold once the executor or administrator has formal authority, known as the Grant of Probate (with a will) or Letters of Administration (without a will).

Until this document is in place, the sale cannot complete.

Only the person legally named to deal with the estate can make decisions about the sale.

## Important:

- You can market the property and accept an offer before probate is granted, but you cannot complete the sale until the Grant is issued
- If you decide not to sell the house, you may still be liable to pay inheritance tax within 6 months



## First steps.

Before anything else, make sure the property and paperwork are safe.

- Secure the home - check locks, alarms, utilities, and insurance
- Obtain several certified copies of the death certificate
- Locate the will, property deeds, mortgage details, and insurance paperwork
- Notify a solicitor if you'll be applying for probate with professional support

## **If a co-owner has passed away:**

If one of multiple registered owners has died, you'll simply need their death certificate before the remaining owner can sell.

# Applying for probate.

This step gives the executor/administrator legal authority to sell the property.

## **What's involved:**

- Valuing the estate and identifying assets/liabilities
- Completing probate application forms
- Submitting inheritance tax paperwork (if required)
- Paying any tax due or arranging payment

## **Who does it:**

Typically the executor (or administrator) + a solicitor

## **Typical timeframe:**

2-12 weeks for straightforward applications, though it can take longer depending on tax clearance or workload.

# Preparing the property for sale.

Probate properties are usually sold “as-is”, but small steps can make a big difference:

- Remove personal belongings
- Address any safety risks
- Tidy gardens and outside areas
- Consider a light clean (professional if helpful)
- Make sure the property is secure
- Avoid major renovations - they rarely give a good return in probate situations

Your estate agent will also help you understand what’s worth doing and what you can leave.



# Getting valuations & your options.

Start by getting 2–3 independent valuations from local estate agents. This gives you a solid, realistic picture of the property's value and helps you:

- Set an accurate asking price
- Reassure beneficiaries that the home is priced fairly
- Provide the information needed for inheritance tax purposes (if applicable)

Alongside valuations, it's worth thinking about the best method of sale. While a traditional private treaty sale is the most common route, auction can be a good option if you want a faster, more certain timeline.

Auction sales usually complete within 20 working days, which can help reduce costs such as insurance, utilities, or general upkeep on the property.

Your valuer will help you decide which one suits your situation.

## **How Inheritance Tax May Influence Timing**

If inheritance tax is due, it must be paid within 6 months of the person's death. After that, HMRC charges interest.

Because auctions complete quickly, they can be helpful if you're aiming to avoid potential interest charges. To confirm whether inheritance tax applies in your case, please speak with your solicitor or check the latest thresholds directly with HMRC.

## **Auction Valuations**

If you choose to explore selling at auction, you'll need a specific auction valuation from your estate agent. Our auction team can assist with this if required.

If you'd like to explore your selling options, get in touch with your dedicated valuer via WhatsApp or email — we're here to guide you based on your unique circumstances.

# Choosing the right estate agent.

A supportive, experienced agent can make a big difference when handling a probate sale.

Look for an agent who:

- Understands probate sales
- Communicates clearly and sensitively
- Knows the local market
- Can manage viewings for you
- Offers updates to executors and beneficiaries
- Can recommend clearance or maintenance services if needed
- Can offer auction as a method of sale if required



# Marketing the property.

Once the estate agent is instructed, they'll handle the practical side of marketing:

- Professional photography
- Online listings
- Brochures
- Managing enquiries and viewings
- Providing feedback
- Updating all relevant parties



# Considering offers.

When offers come in, think about the estate's priorities:

- Best price?
- Fastest sale?
- Most reliable buyer?

Discuss offers with all beneficiaries.

Be prepared that some buyers may factor renovation costs into their offers.

If you decide to sell at auction, the property will automatically sell to the highest bidder if they surpass your reserve price – any auction sale is legally binding from the moment the offer is accepted.

## Legal steps, exchange & completion.

*Please note: this stage will be different for an auction sale. If you decide to go down the auction route, your auction valuer will walk you through the process.*

### **Once an offer is accepted:**

Before exchange, your solicitor will prepare:

- Contract pack
- Property information forms
- Title deeds
- EPC (Energy Performance Certificate)

The buyer and their solicitor will:

- Conduct searches
- Arrange surveys
- Raise enquiries

Probate must be granted before exchange or completion – when the sale becomes legally binding.

## **Exchange**

Once all sides are ready, contracts are exchanged and the buyer pays a deposit. Typically 12-16+ weeks after offer acceptance.

## **Completion**

- Any outstanding mortgage is paid
- Remaining funds go into the estate account
- Keys are handed over to the buyer
- Executors then distribute funds to beneficiaries once taxes and debts are settled

Completion may happen on the same day as contracts are exchanged but it can be up to a few weeks after. The date will be arranged with your solicitor and the buyer's solicitor to ensure it works for everyone.



## Common pitfalls to avoid.

### **Pricing too high**

It's natural to want the best possible price, but overpricing a probate property can lead to long delays, reduced interest, and fewer viewings - which can mean more costs for you. A fair, realistic price from the start helps you achieve a smoother, more efficient sale.

## **Letting the property sit unsecured**

Empty homes can be vulnerable to break-ins, leaks, or other issues. Make sure doors and windows are secure, alarms are set (if available), and insurance covers an unoccupied property. A quick check every week or two also helps you spot problems before they become costly.

## **Delaying the probate application**

You can't complete a sale until probate is granted. Delays in starting the application often lead to long pauses later on — which can frustrate buyers and even cause sales to fall through. Starting the probate process early keeps everything moving and reduces the overall timeline.

## **Heavy renovation work**

Big renovations rarely provide a good return in probate sales. They're expensive, time-consuming, and often unnecessary because many buyers expect to do their own updates anyway. Light tidying and safety improvements are usually enough.

## Poor communication between beneficiaries

Disagreements or slow decision-making can delay the sale or even cause it to collapse. Keeping all beneficiaries informed and involved — and documenting key decisions — helps avoid misunderstandings and keeps things running smoothly.



## Accepting an offer before legal authority is in place

While you can market the property and receive offers, you can't exchange or complete the sale until the executor or administrator has formal authority (Grant of Probate or Letters of Administration). Accepting an offer too early can create unrealistic expectations or pressure. Always make sure buyers understand the probate timeline.

# When to seek extra help.

Speak to a solicitor or professional if:

- Beneficiaries disagree
- The will is contested
- The estate has debts
- There are title issues
- You're unsure about local legal requirements

A good solicitor and a supportive estate agent can remove a huge amount of stress.



# Step-by-step timeline.

## **Week 1 – Immediate steps**

- Secure the property
- Notify solicitor
- Collect death certificates
- Gather documents

## **Week 1-4 – Apply for probate**

- Gather asset and liability info
- Submit probate application
- Complete inheritance tax paperwork

## **Week 3-6 – Prepare the property**

- Arrange valuations
- Choose an agent
- Clear belongings
- Carry out light maintenance
- Obtain EPC

## **Week 4-8+ – Marketing period**

- Photos, listings, viewings
- Review and negotiate offers

## Offer Accepted → Exchange

- Legal work, searches, enquiries
- Final checks
- Grant of Probate must be in place

## Exchange → Completion

- Pay deposit
- Transfer ownership
- Estate receives funds

## Post-completion

- Pay estate expenses
- Prepare final estate accounts
- Distribute funds to beneficiaries



# Probate property checklist.

## **First steps:**

- Locate the will, deeds, and utility bills
- Get a valuation for probate
- Apply for probate
- Secure and insure the property
- Instruct your estate agent
- Instruct your solicitor

## **Prepare the home for sale:**

- Arrange for home clearance
- Arrange cleaning
- Apply for an Energy Performance Certificate (EPC)

## **Finances:**

- Pay any Capital Gains Tax (CGT)
- Pay any inheritance tax
- Pay any hold costs (council tax, insurance, or any outstanding bills)

# Final message from the team.

Selling a loved one's property through probate can feel emotional and complicated – but you don't have to navigate it alone.

With the right support, clear communication, and an understanding of each step, the process becomes far more manageable.

Take things one stage at a time, lean on professionals when needed, and remember to give yourself space and patience as you move through what is often a difficult chapter.

If you have any questions as you navigate this process, please reach out to your valuer on WhatsApp or email - we're here to help.

Got any ideas how we can improve this guide? Please share them - [marketing@sheldonbosleyknight.co.uk](mailto:marketing@sheldonbosleyknight.co.uk)

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