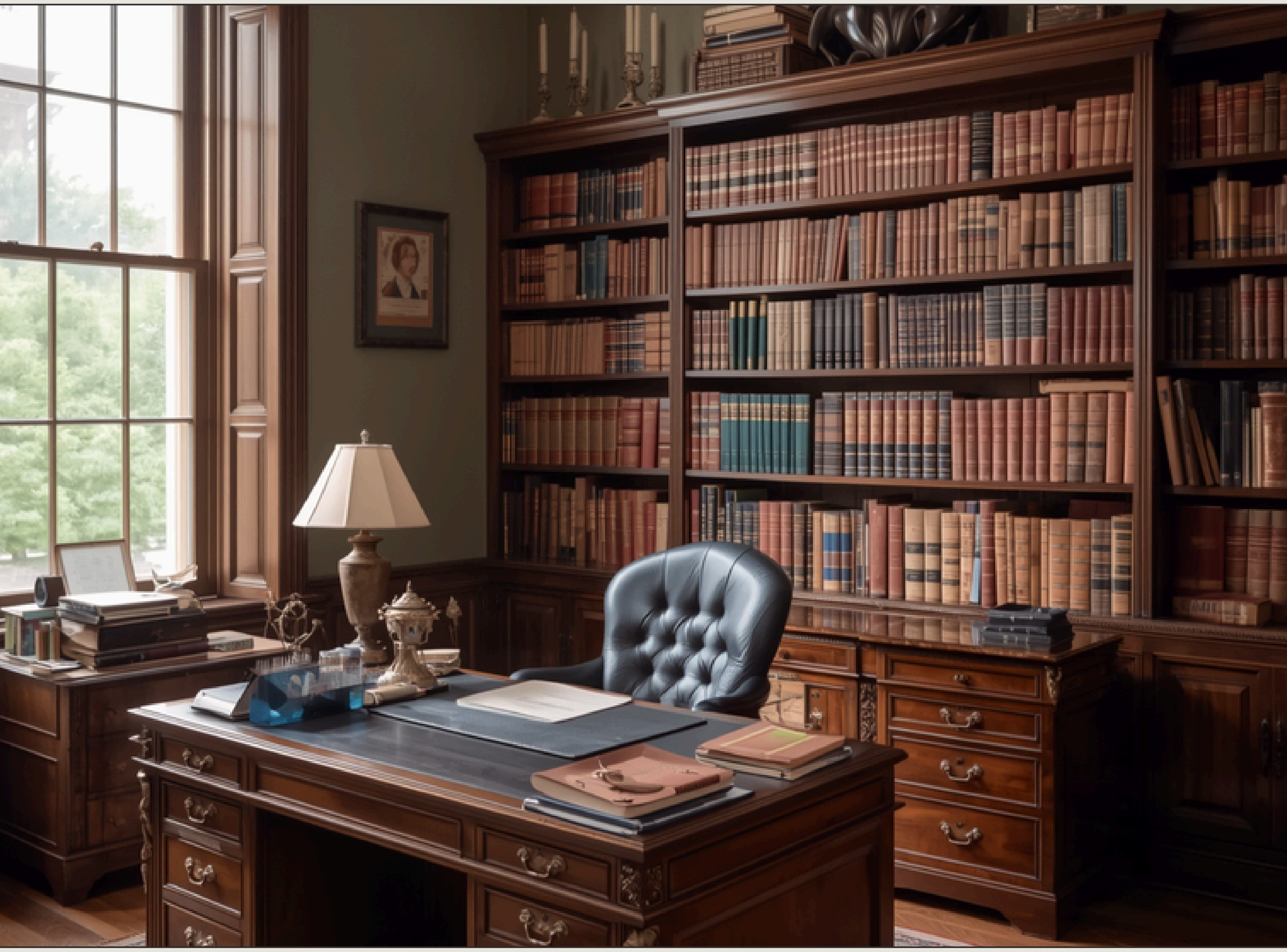
AN ARIZONA PROBATE GUIDE
BY REIGH DEMPSEY

Selling the Contents of a Home in Probate



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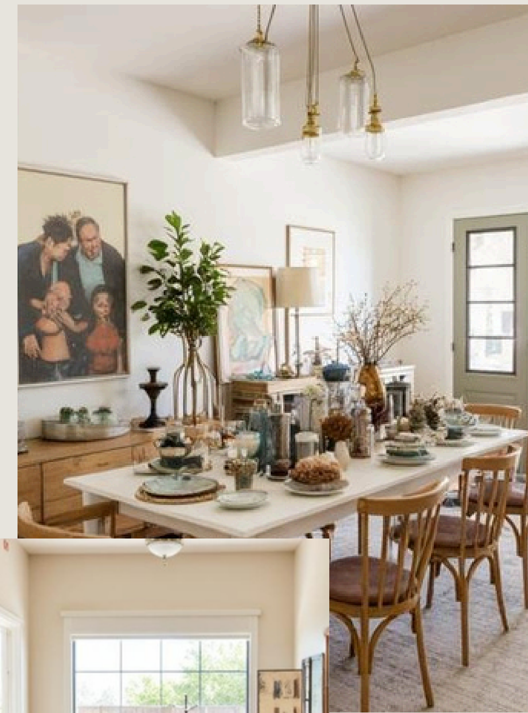
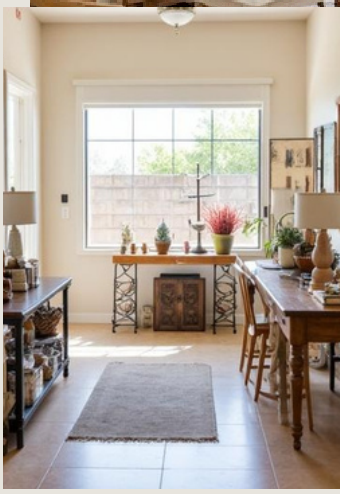




When someone passes away, dealing with the contents of their home can feel like an enormous responsibility.

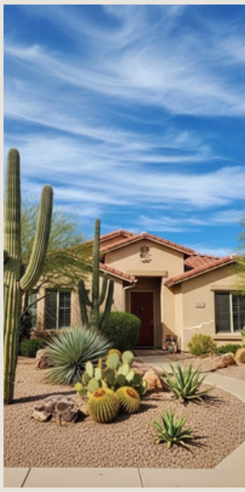
You may be surrounded by furniture, household belongings, family keepsakes, paperwork and decades of personal possessions. At the same time, you may be trying to understand the will, communicate with family members, maintain the property and meet your responsibilities to the estate.

It is natural to want to begin sorting, donating or selling things as soon as possible. However, when a home is part of a probate estate, there may be important steps that must happen before its contents can be sold.

This guide will help you understand what to consider, what questions to ask and how a professional estate-sale company can help you move forward.

Bonjour Estate Sales

Contents



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Confirming Your Authority to Sell the Contents

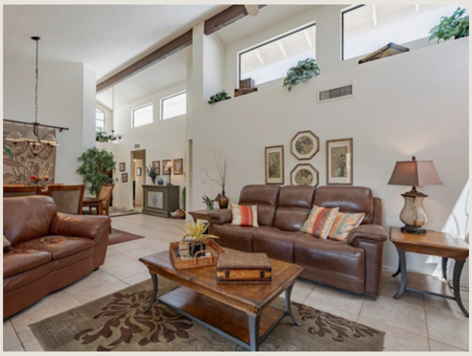
In many cases, yes - but the person arranging the sale must have the legal authority to do so.

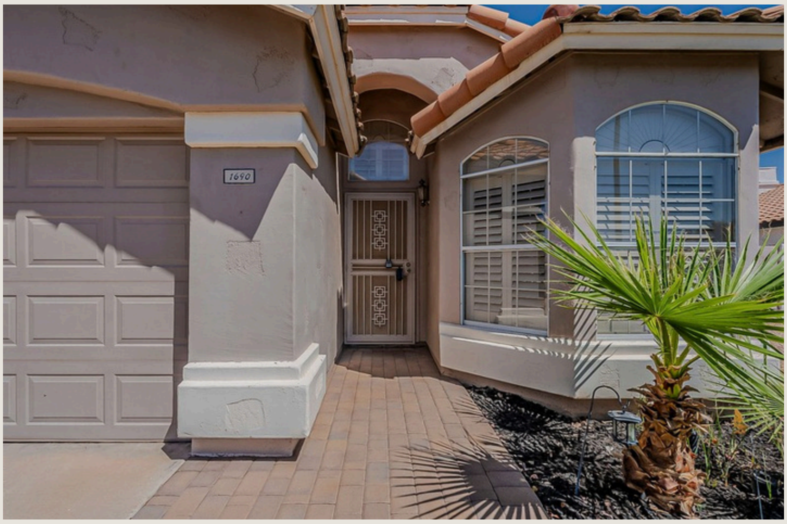
In Arizona, that authority generally belongs to the court-appointed personal representative of the estate. You may also hear this person referred to as the executor, although Arizona probate documents typically use the term “personal representative.”

Being named as the personal representative in someone’s will does not necessarily give you immediate authority to sell estate property. You generally must first be officially appointed by the probate court and receive your Letters of Personal Representative.

These Letters are the documents that confirm your authority to act on behalf of the estate.

If you have not yet been appointed, it may still be helpful to begin gathering information and speaking with estate-sale companies. However, you should be cautious about selling, donating or distributing property until you know that you have the authority to do so.





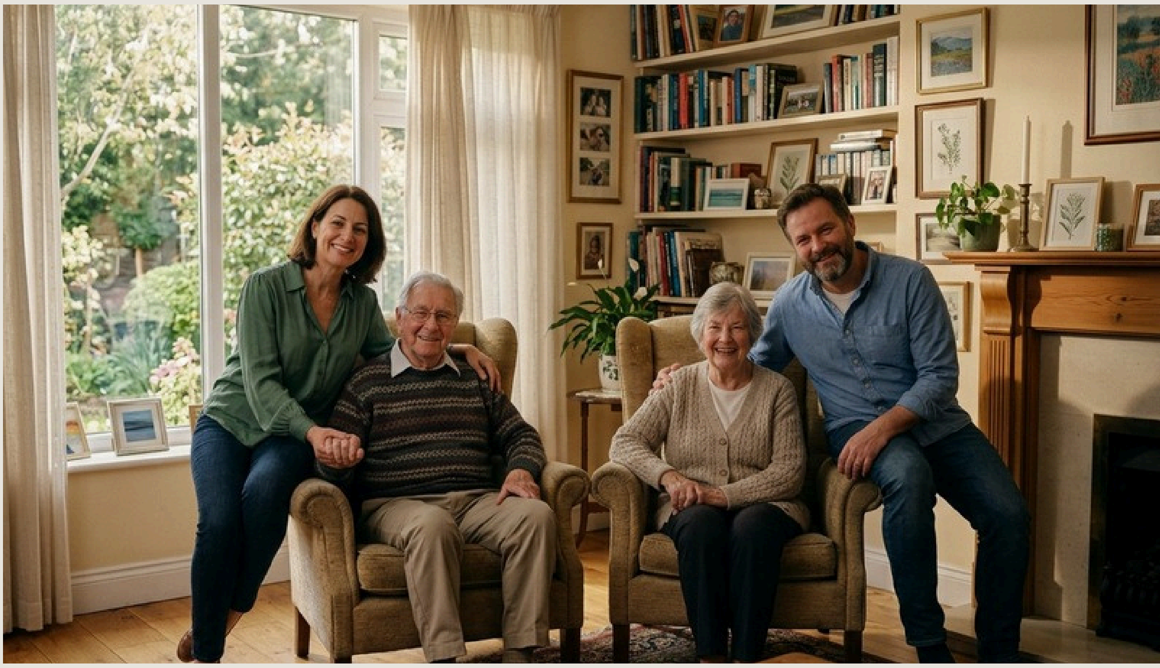
When You Are a Family Member or Beneficiary

Being the decedent's child, spouse, sibling or beneficiary does not automatically give you the authority to sell the contents of the home.

Even when everyone in the family agrees, the estate-sale contract ordinarily should be signed by the person who has been legally authorized to act for the estate.

If you are helping the personal representative, you can certainly assist with sorting, identifying family photographs or locating important documents. However, decisions about selling, donating or distributing estate property should come from the authorized personal representative.

This helps protect you, the personal representative, the beneficiaries and the estate-sale company.



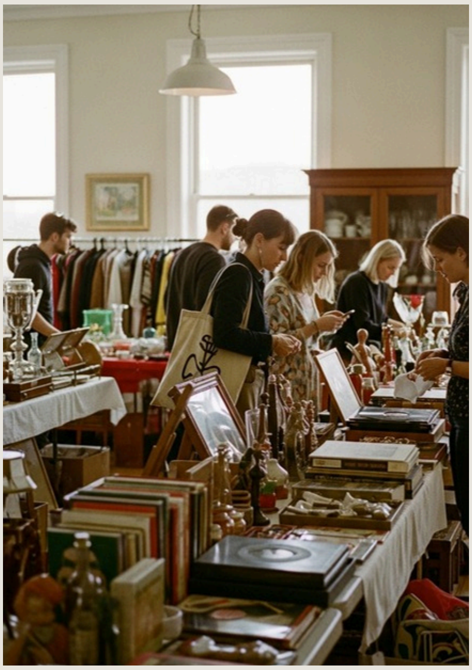
The Role of the Personal Representative

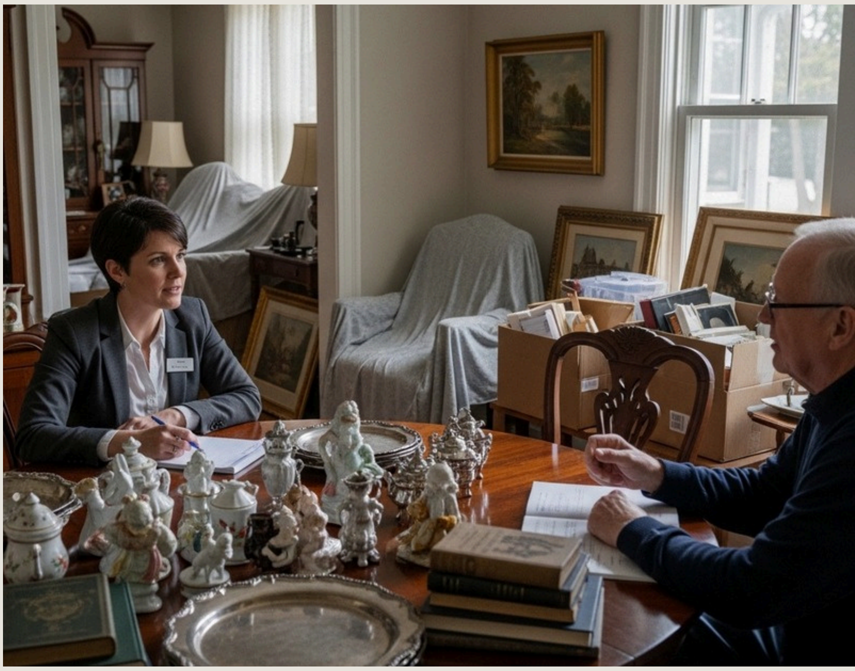
A personal representative has a fiduciary responsibility to the estate. In everyday language, this means you are expected to protect the estate's property, follow the will and Arizona law, keep appropriate records and act in the estate's best interests.

This does not mean you must handle every task personally.

A personal representative may hire professionals to assist with probate administration, including attorneys, accountants, appraisers, real estate agents and estate-sale companies.

When you hire an estate-sale company, you are not giving up your authority. You are hiring experienced professionals to help organize, research, price, market and sell the personal property that has been approved for sale.





Determine What Belongs to the Estate

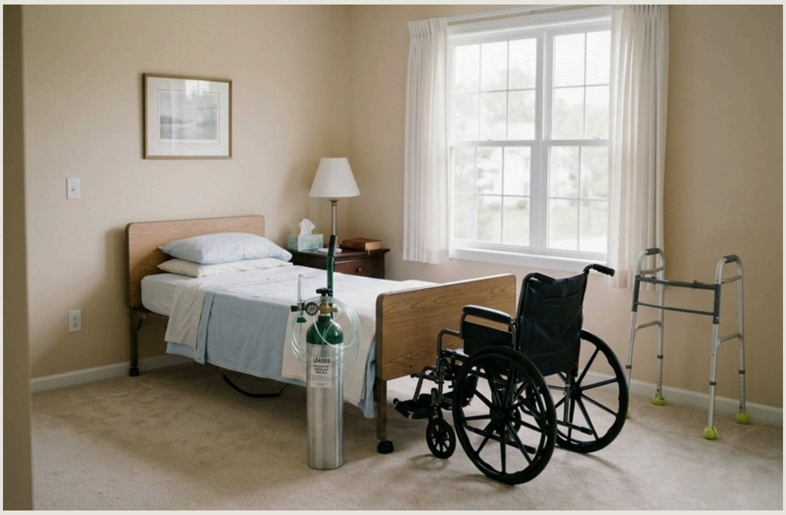
One of the most important steps is determining which belongings are actually part of the probate estate.

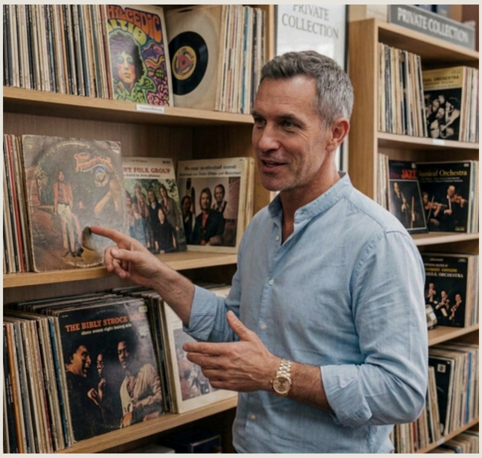
Not everything inside the home necessarily belonged solely to the person who passed away. The home may contain:

- Property belonging to a surviving spouse
- Items belonging to children or other family members
- Property owned by a trust
- Borrowed or leased items
- Business property
- Items the decedent was storing for someone else
- Property specifically left to someone in the will
- Community property acquired during a marriage
- The decedent’s separate property

If ownership of an item is uncertain, it is generally best to hold it out of the estate sale until the question has been resolved.

An estate-sale company cannot determine legal ownership or decide which family member is entitled to an item. That decision must be made by the personal representative, with guidance from the probate attorney when necessary.





Identifying Gifts That Must Be Set Aside

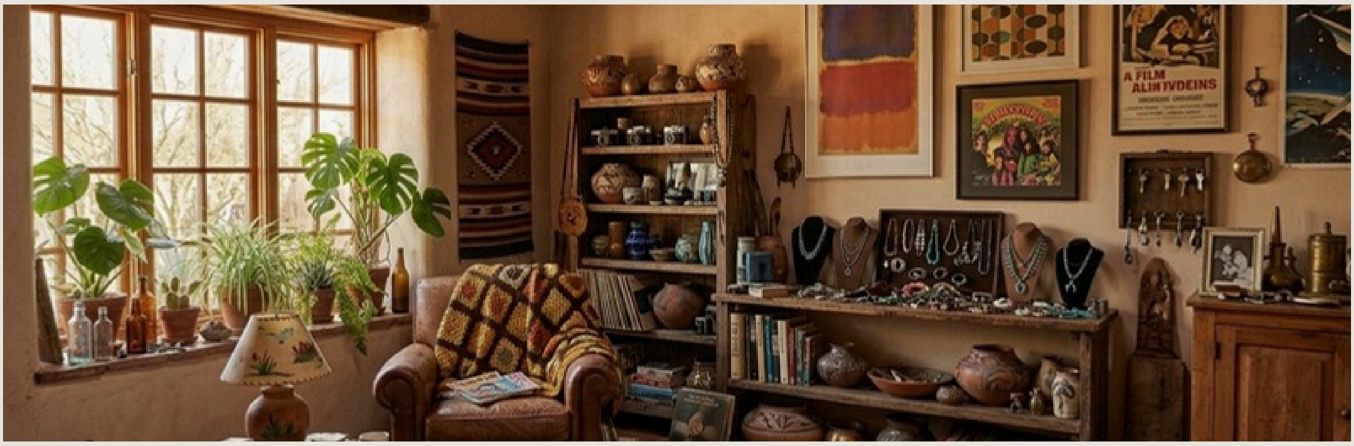
A will may leave particular belongings to specific people. For example, it might state that a certain person is to receive:

- A wedding ring
- A collection
- A vehicle
- Artwork
- Furniture
- Tools
- Family photographs
- A particular household item

These are sometimes called specific gifts or specific bequests.

An item specifically left to someone should not be placed in the estate sale simply because it is still inside the home. Before the estate-sale company begins staging and pricing, the personal representative should review the will and identify anything that must be preserved for a beneficiary.

If the language in the will is unclear, or if there is a disagreement about an item, consult the estate's probate attorney before allowing it to be sold.



Protecting the Rights of a Surviving Spouse or Children

Arizona law provides certain protections for a surviving spouse and, in some circumstances, minor or dependent children.

These protections may include the right to select a certain value of household furnishings, appliances, automobiles and personal effects from the estate before the remaining property is distributed or sold.

For that reason, the surviving spouse’s rights should be addressed before the entire contents of the home are placed in an estate sale.

This can be especially important when the decedent and surviving spouse owned property together or when the home contains a combination of separate and community property.

Preparing the Estate Inventory

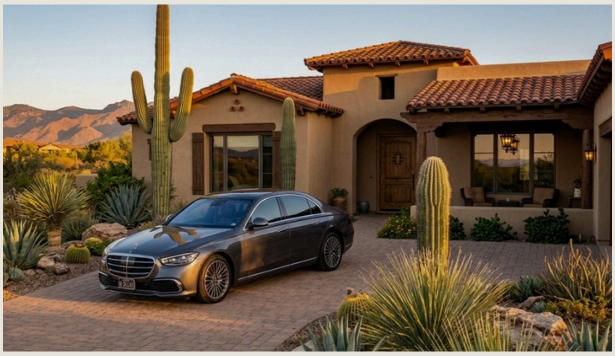
An Arizona personal representative generally must prepare an inventory of the decedent's property within 90 days after being appointed. The inventory should describe the property, identify its fair-market value as of the date of death and indicate whether it was community or separate property.

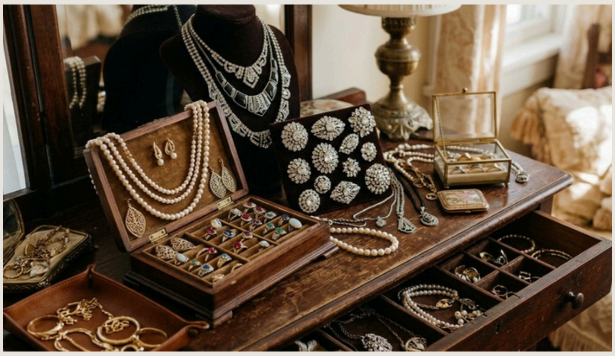
That does not necessarily mean every ordinary household object must be listed separately. Similar household items may sometimes be grouped together, while valuable or unusual items may require individual descriptions.

An appraiser may be needed for property such as:

- Fine jewelry
- Coins or precious metals
- Fine art
- Valuable collections
- Antiques
- Firearms
- Vehicles
- Rare books
- High-value designer items
- Other property whose value is difficult to determine

An estate-sale company can help identify items that may deserve additional research or a specialized appraisal. However, estate-sale pricing and formal probate appraisal are not always the same service.





Why Estate-Sale Prices May Differ From Appraised Values

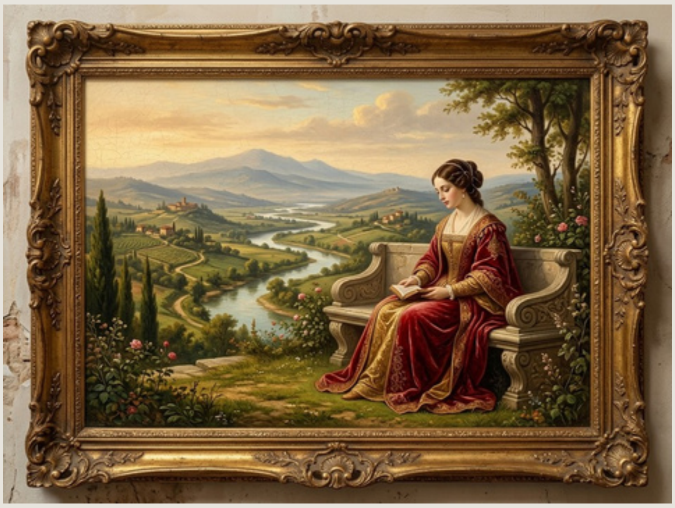
It is important to understand that there can be several different types of value.

A date-of-death value estimates what an item was worth on the date the person passed away. An insurance value may reflect what it could cost to replace the item. An online asking price shows what a seller hopes to receive - but not necessarily what a buyer has actually paid.

An estate-sale price reflects what buyers in the local market are reasonably willing to pay within the limited timeframe of an in-home sale.

Estate-sale value may be influenced by:

- Current buyer demand
- Condition
- Age and style
- Local market preferences
- The number of similar items available
- Whether an item can be tested
- The cost of moving or transporting it
- The amount of time available to market it
- The item's performance during the sale



A professional estate-sale company should use its experience, available sales data and appropriate research to establish reasonable market pricing.

However, no company can guarantee that every item will sell or that it will achieve an insurance, appraisal or online asking price.

When Belongings Have Already Been Taken

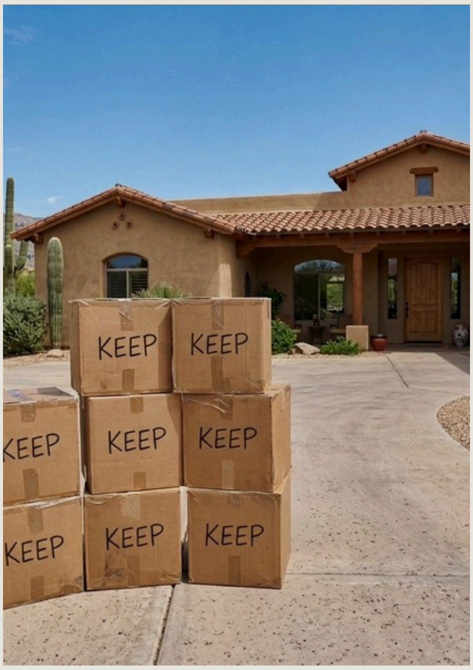
It is very common for family members to begin removing photographs, keepsakes or other belongings before contacting an estate-sale company.

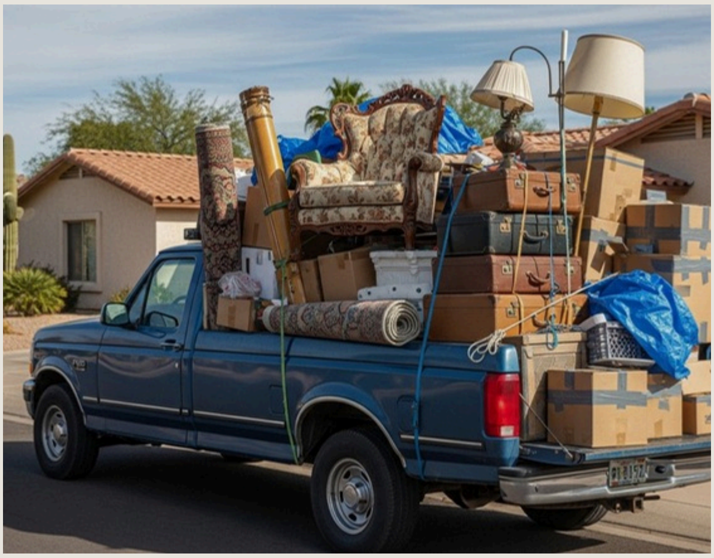
If you are the personal representative, try to document what was removed, who received it and whether it was authorized under the will or estate plan.

If possible, gather:

- A list of the items removed
- Photographs
- The approximate value of significant items
- The name of the person who received each item
- Any written agreement among the beneficiaries
- Confirmation from the probate attorney when appropriate

Do not panic if items have already been removed. Simply be honest with the probate attorney and estate-sale company so everyone understands what remains in the home.





Managing Disagreements Over Property

Family disagreements are one of the most difficult parts of settling an estate.

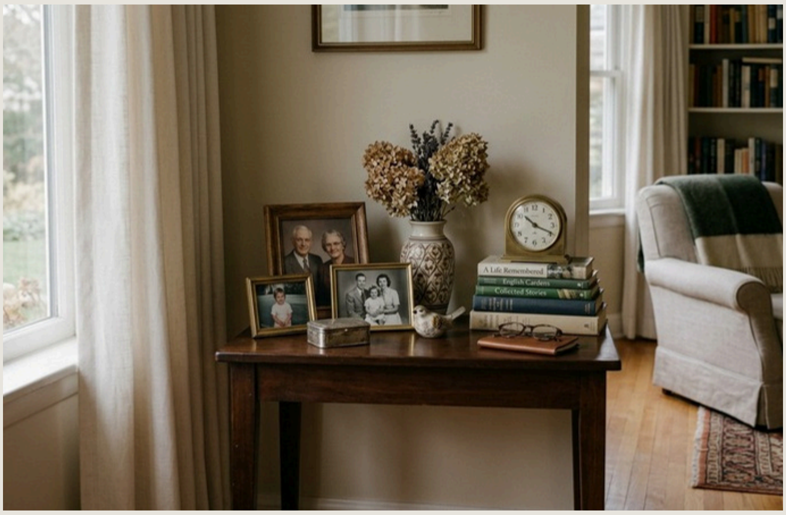
One person may believe an item was promised to them. Another may believe it should be sold. Someone else may object to the price or want additional time to decide.

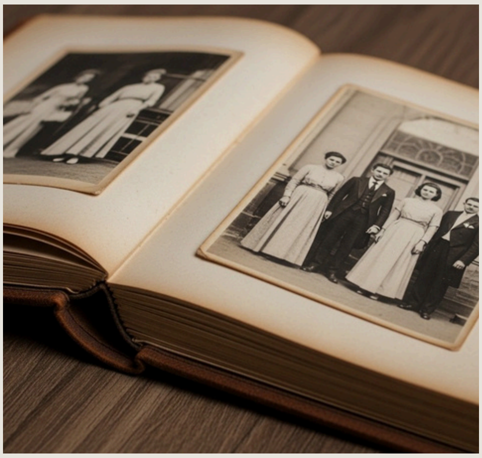
If an item is disputed, it should not be included in the estate sale until the disagreement has been resolved.

The estate-sale company should not decide:

- Who owns an item
- Whether someone was promised an item
- How an inheritance should be divided
- Whether the personal representative is treating everyone fairly
- How the proceeds should be distributed among beneficiaries

Those are matters for the personal representative and, when needed, the probate attorney or court. Resolving these questions before the sale helps prevent conflict during setup and reduces the risk of something being sold that should have been retained.





Handling Money, Valuables and Important Documents

Homes often contain unexpected items. Cash may be tucked inside envelopes, books, drawers, clothing, containers or furniture. Jewelry may be mixed with costume pieces. Important documents may be found in seemingly ordinary boxes.

A trustworthy estate-sale company should have a clear procedure for reporting and transferring discovered property to the personal representative.

At Bonjour Estate Sales, our work includes carefully sorting through the contents of the home - not simply placing price tags on the items that are easy to see.

When significant cash, jewelry, legal documents, family photographs or other personal property is discovered, it should be documented and brought to the attention of the authorized representative.

Accounting for the Estate-Sale Proceeds

The estate-sale company should provide the personal representative with an accounting of the sale.

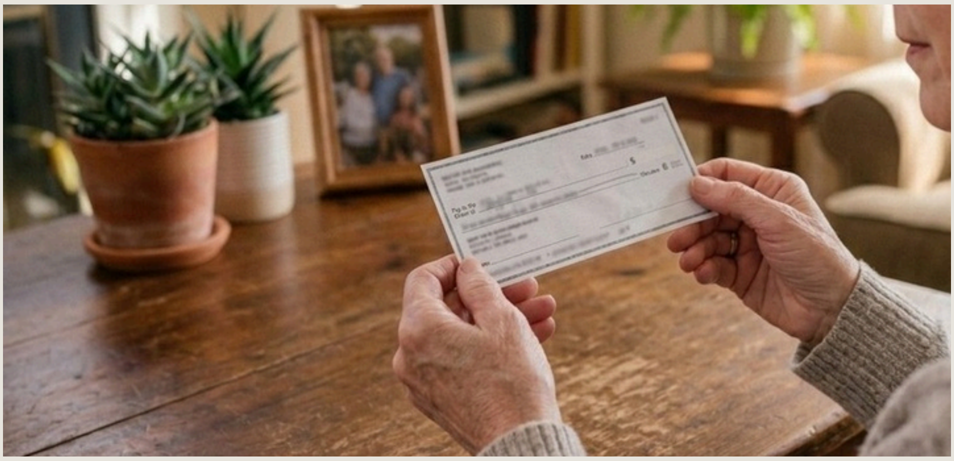
Depending on the company and contract, this may show:

- Gross sale proceeds
- Applicable sales tax
- The company’s commission
- Authorized expenses
- Additional agreed-upon services
- The net proceeds due to the estate

When a sale is conducted for a probate estate, payment should generally be issued to the estate rather than divided among family members or paid directly to an individual beneficiary.

The personal representative is responsible for depositing, accounting for and distributing estate funds in accordance with the probate process.

An estate sale does not necessarily mean the proceeds can immediately be distributed to the heirs. The estate may still have administrative expenses, taxes, creditor claims or other obligations that must be addressed.



Choosing the Right Time to Hold the Sale

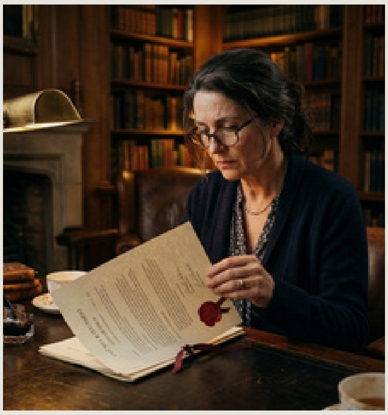
Usually, you do not have to wait until the entire probate case is closed before holding an estate sale.

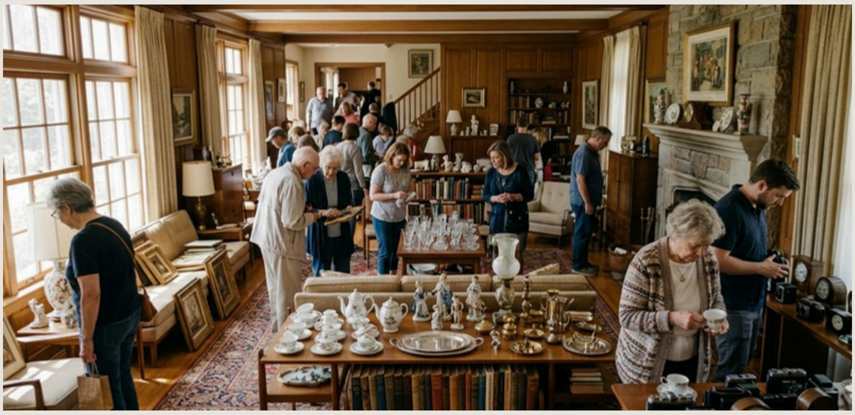
In fact, selling the contents may be an important part of administering the estate, particularly when:

- The home needs to be prepared for sale
- The property must be vacated
- The estate is paying ongoing maintenance expenses
- The contents need to be converted to cash
- The personal representative lives out of state
- The beneficiaries do not want the remaining household property
- The home contains more than the family can reasonably divide or remove

The important question is not whether probate has been completed. The important question is whether the personal representative has been appointed and has the authority to sell the property.

If the probate is supervised, contested or subject to a special court order, additional approval may be required.





When to Contact an Estate-Sale Company

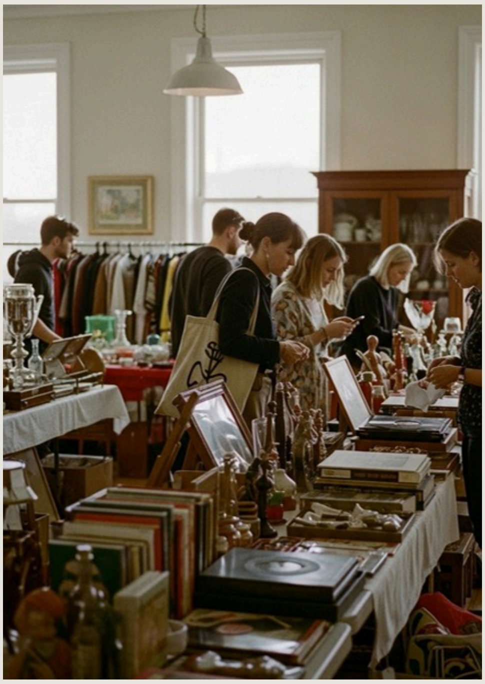
You do not need to wait until the home is perfectly organized.

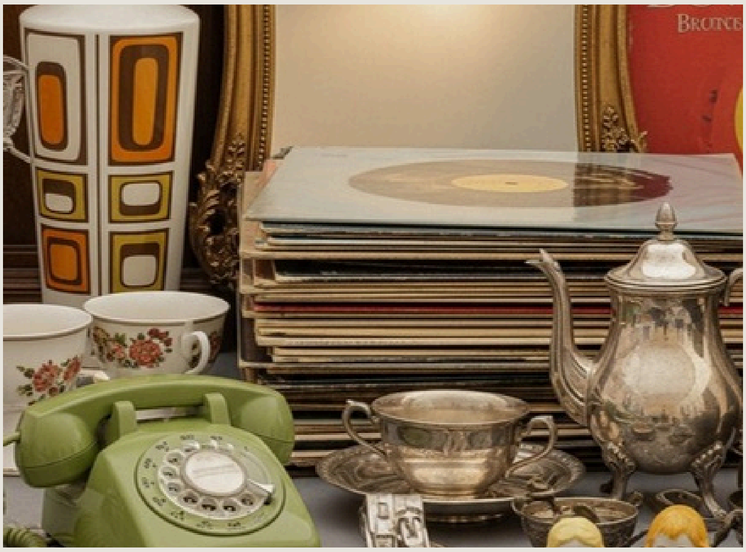
In fact, it is usually better to contact us before:

- Donating large quantities of property
- Ordering a dumpster
- Giving items away
- Holding a garage sale
- Removing furniture
- Paying someone to empty the home
- Assuming that older belongings have no value

Items that appear ordinary or outdated may still have a market. Conversely, some items that originally cost a great deal may have limited resale demand.

An early consultation allows us to see the home as it is, explain what may be suitable for an estate sale and help you avoid unnecessary work.





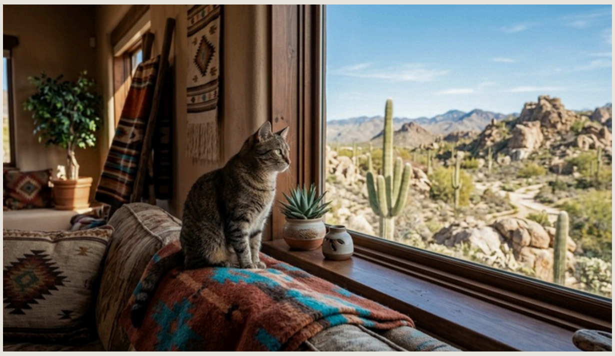
Things You Can Do Before the Consultation?

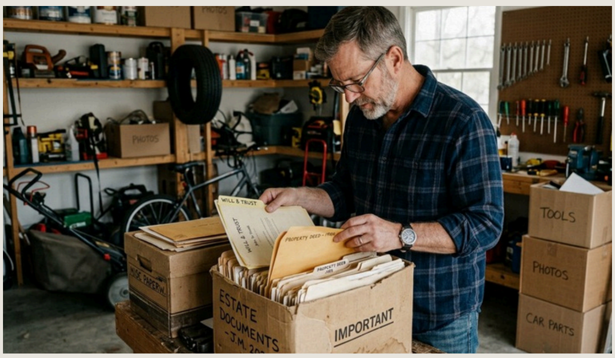
You do not need to clean, organize, price or stage the belongings before we arrive. Seeing the home as it is helps us better understand the amount and type of property involved and what will be needed to prepare for the sale.

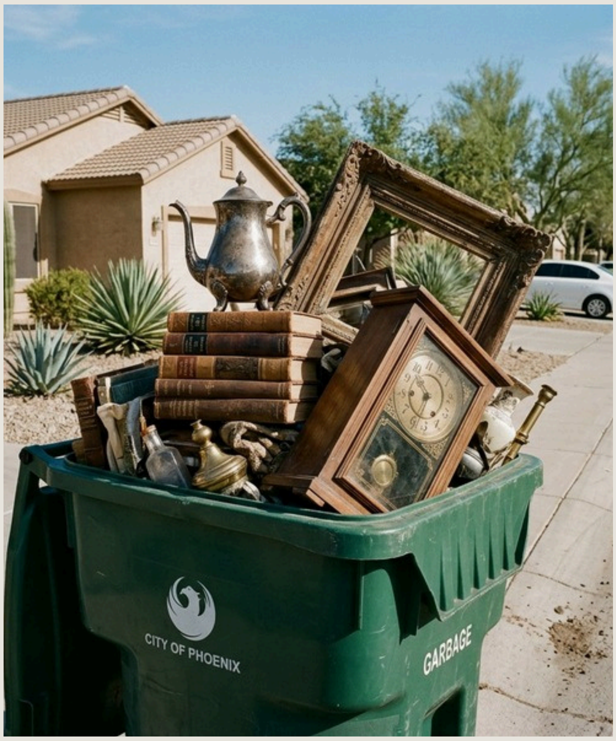
Before the consultation, it may be helpful to:

- Locate the will and available probate documents.
- Confirm who has been appointed as personal representative.
- Identify belongings specifically left to beneficiaries.
- Set aside important legal and financial documents.
- Make note of any items whose ownership is disputed.
- Let us know about firearms, vehicles, jewelry, coins or valuable collections.
- Tell us if anyone is still living in the home.
- Avoid donating, discarding or giving away items until we have seen the property.

There is no need to have everything figured out before contacting us. The consultation is the first step in determining what may be suitable for an estate sale and what needs to happen next.







How Bonjour Estate Sales Can Help

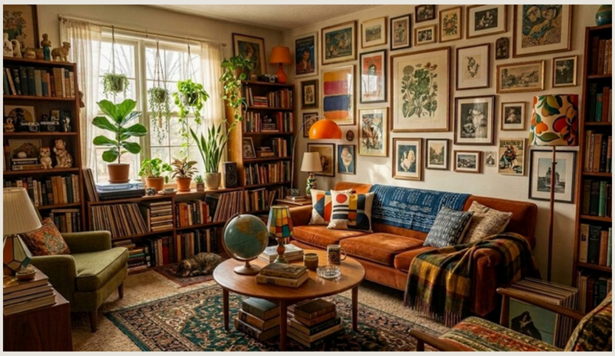
At Bonjour Estate Sales, we understand that this is not simply a house full of merchandise. It is someone's home, personal history and lifetime of belongings.

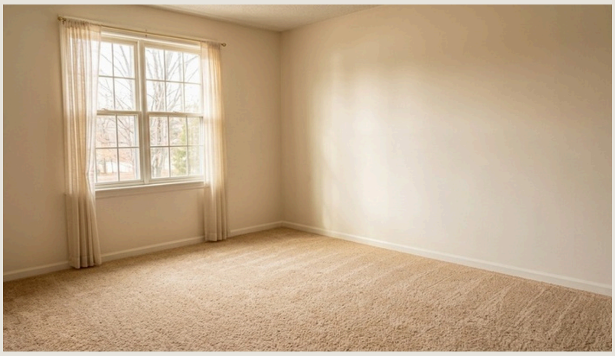
Our role is to help you responsibly move from a full home to a completed sale.

Depending on the needs of the estate, our services may include:

- Evaluating the contents of the home
- Developing a sale plan and timeline
- Sorting and organizing saleable property
- Identifying items that may require additional research
- Staging the home for the sale
- Researching and pricing items
- Photographing and advertising the sale
- Staffing and managing the event
- Processing customer purchases
- Providing a post-sale accounting
- Coordinating authorized donation or clear-out services
- Helping prepare the property for its next step

Because we also have experience with real estate and life transitions, we understand how the contents of the home may affect the larger probate timeline, especially when the home will eventually be listed for sale.





A More Manageable Path Forward

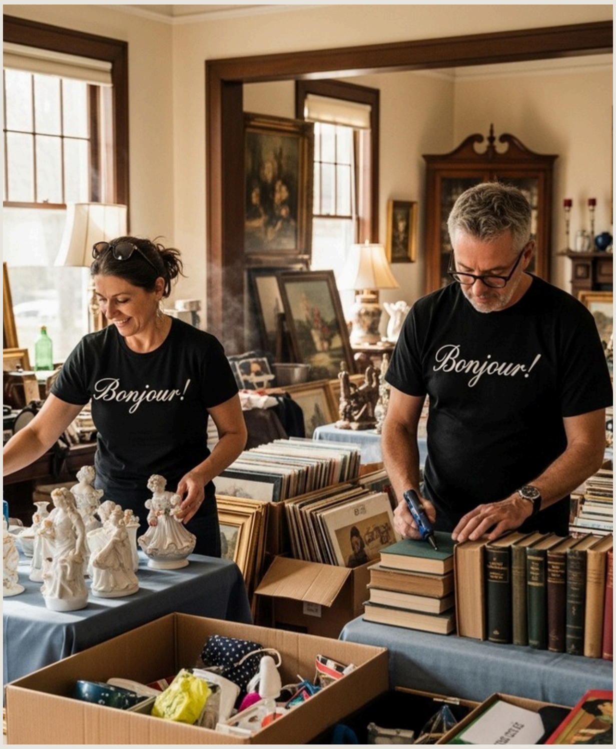
If you are responsible for a home in probate, you do not have to know everything before asking for help.

Start by confirming who has legal authority to act for the estate. Review the will for specific gifts, identify anything that does not belong to the estate and speak with the probate attorney about any unresolved questions.

From there, an experienced estate-sale company can help you determine what is saleable, what may need special attention and how to move forward in an organized and respectful way.

The goal is not simply to empty the house.

The goal is to protect the estate, preserve what matters and help you complete a difficult responsibility with greater clarity and confidence.



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Frequently Asked Questions

Frequently Asked Questions

Can I schedule an estate-sale consultation before I receive my Letters of Personal Representative?

Yes. You can begin gathering information and discussing the possible sale. However, the sale should not move forward until the person signing the contract has the necessary authority or appropriate legal approval.

Do all of the beneficiaries have to approve the estate sale?

Not necessarily. The court-appointed personal representative generally has authority to administer estate property. However, disagreements, court restrictions or specific provisions in the will may affect what can be sold. Consult the probate attorney when there is uncertainty or conflict.

Do I need to remove everything the family wants before calling you?

No. It is often better for us to see the home before large quantities of property are removed. You should identify specific gifts, personal records, family photographs and disputed items, but the remainder can be discussed during the consultation.

Can we sell items before the probate inventory is completed?

Possibly, but the personal representative still has an obligation to properly identify and value estate property. The probate attorney should advise you about timing, particularly when valuable property is involved.

What if we do not know whether an item has value?

Leave it in place and let us take a look. We can identify many items that warrant further research and recommend specialized appraisal when appropriate.

What happens to items that do not sell?

That depends on the estate's wishes and the services selected. Remaining items may be retained, donated, transferred to another party or removed through an approved clear-out plan. These decisions should be authorized by the personal representative.

Can the estate sale happen while the home is listed for sale?

Yes, but the timing should be carefully coordinated. When the contents and real estate are handled as part of one overall plan, the sale, clear-out, photography, showings and property preparation can be scheduled in the proper order.

What if I live outside Arizona?

Many personal representatives manage Arizona estates from another state. We can discuss communication, access to the property, documentation, sale coordination and the steps that will require your approval.

Ready to Talk About the Home?

If you are handling the contents of a home in probate, we are here to help you understand the estate-sale process and determine the most practical next step.

A consultation gives us an opportunity to see the property, learn about your timeline and explain how an estate sale may fit into the administration of the estate.

Request a Consultation

602-785-8531

This guide provides general information about estate sales involving Arizona probate property. It is not legal or tax advice. Probate circumstances vary, and questions about authority, ownership, beneficiary rights or court approval should be directed to a qualified Arizona probate attorney.

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