Inherited a House in Texas? A One-Page Checklist

General information, not legal or tax advice. Talk to a Texas probate attorney about your family's situation.

Who can sell

■ Ask a Texas probate attorney which route gives someone legal authority to sell (will/probate, affidavit of heirship, transfer on death deed, or small estate affidavit).

■ If there is a will and independent administration is allowed, ask what that means for a sale.

■ No will? Ask the title company early whether it will accept an affidavit of heirship.

■ Check county deed records for a recorded transfer on death deed.

■ Small estate affidavit: at least 30 days since death; no pending administrator petition; other assets (not homestead/exempt) $75,000 or less; judge approval; homestead rules if transferring the home.

While the estate is open

■ List every heir and where each lives; generally everyone with an ownership interest signs.

■ Keep mortgage, property taxes, insurance, utilities and lawn care current. A property tax lien attaches every January 1.

■ Remove photos, documents and keepsakes your family wants; list what stays with the house.

■ Ask a CPA or tax advisor how a sale would be taxed before you decide.

When you sell

■ Ask the title company for a tax certificate and the loan payoff. Back taxes and liens are paid from sale proceeds at closing.

■ Compare listing with a cash sale. Listing can fit a move-in-ready house when heirs have time and agree.

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