

PROBATE & TRUST

A Detailed Guide to Selling Real Estate in Connecticut

JOHN SMOLENSKI

REALTOR® | CENTRAL CT SPECIALIST



LEGAL OVERSIGHT & PROFESSIONAL ROLES

Selling a home in probate or trust requires a coordinated effort between legal and real estate professionals. It is critical for executors and trustees to understand the distinct responsibilities of each partner.

THE ATTORNEY'S RESPONSIBILITIES

The attorney serves as the legal architect of the estate. Their core duties include:

- **Legal Authority:** Filing petitions for the appointment of the fiduciary (PC-200) and confirming the authority to sell (Step 1).
- **Tax Clearance:** Filing Form PC-205B to release the CT Estate Tax Lien, which is necessary to clear the property's title.
- **Court Compliance:** Managing all statutory filings, including creditor notices and the final distribution of proceeds.

MY RESPONSIBILITIES (REALTOR)

As your agent, I manage the physical asset and market transaction. My core duties include:

- **Asset Preservation:** Managing the property's condition, utilities, and security during the sale process.
- **Market Execution:** Implementing premium marketing, professional photography, and AI staging to attract buyers.
- **Valuation Strategy:** Providing market data to satisfy the 90% court valuation rule.



THE PROBATE "DEEP DIVE"

While I manage the sale, your attorney handles the critical legal filings that allow the property to transfer safely to a new owner.

| The "Secret" CT Tax Lien (Attorney's Duty)

In Connecticut, an "Inchoate" (automatic) tax lien attaches to real estate at the moment of death. Even if no taxes are owed, the title is not "clear" until a release is filed. Your attorney must obtain a **Release of Estate Tax Lien** (PC-205B) and record it in the town land records. Without this legal step, a buyer's lender will not fund the transaction.

| The 90% Valuation Requirement

To protect the heirs, the probate court typically requires that the home sell for at least **90% of its court-appraised value**. I work with your attorney to ensure the value listed in the initial **Inventory (PC-440)** is based on accurate market data, preventing delays later in the process.

| Statutory Timeline (Attorney Managed)

- **14-Day Deadline:** Publishing the "Notice to Creditors" in local newspapers to start the 150-day claim period.
- **60-Day Deadline:** Recording the Notice for Land Records (PC-251) to update the public title.
- **60-Day Deadline:** Filing the formal Inventory (PC-440) listing the home's value.



THE 7-STEP ROADMAP TO SUCCESS

Step 1: Confirm Authority to Sell

Your attorney files the initial petition (PC-200) to have you appointed as the fiduciary. Once the court issues your "Letters," you have the legal authority to sign a listing agreement and move forward with the sale.

Step 2: Prepare & Secure the Property

Fiduciaries have a duty to protect the estate. We verify that property insurance is current, manage utilities (like heating during winter), and secure personal property. I coordinate clean-out specialists to handle the removal of items before the home is listed.

Step 3: Strategic Staging & Photography

We use high-end photography and AI-powered virtual staging to make the home stand out online. This allows us to present a "move-in ready" look to potential buyers without the estate incurring the high costs of physical staging.

Step 4: Pricing & The Court Appraisal

I provide a Comparative Market Analysis (CMA) to justify our listing price. This data is critical for the attorney to include in the Inventory (PC-440), ensuring the court approves our eventual sale price under the 90% rule.

Step 5: Marketing & Reviewing Offers

We syndicate the listing across the MLS, Zillow, and social media. When offers arrive, we evaluate them not just on price, but on the buyer's ability to wait for court approval and their understanding of the "As-Is" nature of the sale.

Step 6: Inspections & Court Permission

If the Will does not grant specific power to sell, your attorney files a **Petition to Sell (PC-400)**. I manage the buyer's home inspection and the bank's appraisal, ensuring all parties are aligned with the court's timeline.

Step 7: Releasing Liens & Closing the Sale

The final step is the attorney securing the **PC-205B Lien Release**. Once that is recorded, we close the sale. Your attorney then manages the distribution of proceeds to the heirs and files the final Affidavit of Closing.