

MR. CASH OFFER
WE BUY OFF MARKET PROPERTIES

FREE GUIDE

CALIFORNIA HOMEOWNERS

Inherited a house in California? What to do in the first 30 days

Inherited homes and probate. Plain English, every fact sourced and dated.

INSIDE

1. The short answer
2. Who has authority over the house?
3. Can the lender call the loan because I inherited?
4. Do I owe California inheritance tax?
5. What is Prop 19, in plain words?



Questions? Talk with Fadi.
Fadi Haweileh, CA DRE #02002344 · eXp Realty of Greater Los Angeles, Inc., CA DRE #02188471
(909) 731-6884

Inherited a house in California? What to do in the first 30 days

From Mr. Cash Offer, with Fadi Haweileh, CA DRE #02002344 · Facts checked November 23, 2026 · Online: mrcashoffers.com/guides/inherited-house-first-30-days/

QUICK ANSWER

First, find out who has legal authority over the house. That might be a trustee, a court-appointed representative, or a surviving owner. Then keep the loan, property taxes and insurance paid, and put the deadlines below on a calendar. Keeping or selling comes after that.

You're probably grieving and tired, and the paperwork arrives anyway. Take it one piece at a time.

At a glance

What	When	Why it matters
Named executor in a will	Within 30 days of learning of the death and being named	Unless there's good cause for the delay, waiting longer can cost you the right to serve
Small estate affidavit	After 40 days	Money and personal property up to $208,850 (deaths on or after April 1, 2025). Not the house
Main-home petition (DE-310)	After 40 days	Main California home worth $750,000 or less
Change in ownership statement (BOE-502-D)	No probate: within 150 days of the death. In probate: before or with the inventory and appraisal	Goes to the county where the house is
Prop 19 (child moves in)	Homeowners' exemption: within 1 year. Claim form BOE-19-P: within 3 years, or before a transfer to a third party if earlier	Only if a child will make the parent's home their own main home

Your first deadlines, counted from the death

Probate changes some of these dates. The table above has the details.

WITHIN 30 DAYS

A named executor should file for probate

Counted from learning of the death and being named. Later can cost the right to serve, unless there's good cause

AFTER 40 DAYS

Small estate affidavit and main-home petition can be used

If the estate qualifies

WITHIN 150 DAYS

Change in ownership statement (no probate)

Form BOE-502-D, to the county where the house is

WITHIN 1 YEAR

Homeowners' exemption, if a child moves in

Prop 19. Counted from the transfer (from the death in probate); ask your assessor

WITHIN 3 YEARS

Prop 19 claim form BOE-19-P

Only if a child makes it their main home. Due earlier if the house is sold to someone else first

Who has authority over the house?

Who has authority depends on how the house was owned

Living trust	Joint tenancy	Transfer-on-death deed	None of these
• The trustee, under the trust • No court needed	• The surviving owner	• The named person • If recorded within 60 days of notarizing	• A surviving spouse may use a simpler petition • A small-estate shortcut, if it qualifies • Otherwise, probate

It depends on how the house was owned. The Courts' self-help site says: "Not all estates need to go through formal probate."

- **Living trust.** The trustee handles trust property under the trust, not the court.
- **Joint tenancy.** The surviving owner gets the property.
- **Surviving spouse.** A spouse can sometimes use a spousal property petition (form DE-221) instead of opening probate.
- **Transfer-on-death deed.** The named person receives the house, but only if the deed was recorded within 60 days after it was notarized.
- **Small estates.** Some qualify for a shortcut. Limits and forms are in our step-by-step probate guide.
- **Formal probate.** The judge appoints a "personal representative" (an executor if named in the will, an administrator if not). The court clerk then issues "Letters" (form DE-150), the paper that proves that person's authority.

Not sure which applies? Find the will, any trust papers and the deed. A probate attorney or your county court's probate self-help center can tell you which path fits. If heirs disagree, talk with a probate attorney before anyone signs.

Can the lender call the loan because I inherited?

A mortgage may have a "due-on-sale" clause, which lets the lender demand the whole balance when the home changes hands. Federal law says a lender may not use it when a home with fewer than five units passes to a relative because the borrower died (the federal rule adds that the new owner lives or will live there, and it doesn't cover reverse mortgages). It also covers a transfer where the borrower's spouse or children become an owner.

That doesn't erase the loan. The payments still have to be made. Ask an attorney how this applies to your loan.

Federal servicing rules call an heir a "successor in interest." A servicer may ask for documents, then tell you whether you're confirmed. These rules may not apply to every servicer, so ask yours what it needs.

Do I owe California inheritance tax?

No. California has no inheritance tax and no gift tax, according to the state's Tax Service Center.

What is Prop 19, in plain words?

Property taxes can go up when a house changes hands. Prop 19 has an exclusion for a family home that was the parent's main home and becomes the child's main home (transfers on or after February 16, 2021). There are two deadlines:

- **One year:** the child must claim the homeowners' or disabled veterans' exemption within one year of the transfer, according to BOE.
- **Three years:** the claim form, BOE-19-P, is due within 3 years of the death or transfer, or before a transfer to a third party, whichever is earlier.

There's a value cap. The exclusion protects the parent's taxable value (what the county taxes today, not the market price) plus an adjusted $1 million. For transfers from February 16, 2025 to February 15, 2027, the adjusted amount is $1,044,586. Value above that is added to the tax base.

A transfer to a surviving spouse is automatically excluded from reassessment, with no claim form.

BOE's publication for heirs says that when a house is in probate and a family member plans to live there, the one-year requirements run from the date of death. Ask your county assessor which date applies to you.

What is "step-up in basis"?

Your "basis" is the starting value used to figure taxable gain when you sell. Generally, an heir's basis in an inherited home is its fair market value on the date of death. The IRS says the estate can instead choose a later valuation date set by tax law. A tax professional can explain what that means if you sell.

What to do this week

1. **Find the papers.** The will, any trust, the deed and the latest mortgage statement.
2. **Call the homeowner's insurance company.** Tell them the owner has died and whether the house is empty.
3. **Keep the bills paid** (mortgage, property taxes, HOA dues, utilities) and keep receipts. Before using your own money, ask the attorney whether the estate should pay.
4. **Secure the house** and forward the mail.
5. **Put the deadlines on a calendar,** ask the county assessor for form BOE-502-D, and book a short visit with a probate attorney. If there's no probate, the form is due within 150 days of the death. In probate, the representative files it before or with the inventory and appraisal.

Steps 2 to 4 are practical tips, not legal rules.

Watch out for

- **The executor's 30 days.** Unless there's good cause for the delay, a named executor who waits more than 30 days to file may be treated as having given up the right to serve.
- **Two different clocks.** The ownership statement (within 150 days of the death when there's no probate, or before or with the inventory in probate) and the one-year Prop 19 exemption claim are separate. BOE says penalties may apply if the BOE-502-D isn't filed after the assessor asks.
- **Unsolicited offers.** The California Department of Real Estate (DRE) has warned that unsolicited offers to owners are often made "far below market value." Its red flags include promises of "all cash, a quick closing, a hassle-free transaction." DRE's advice: "take the time to have a professional help you determine the value of the property." Get a valuation, compare more than one option, and have an attorney review any contract before you sign. That goes for our offer too.

Questions people ask

What happens when you inherit a house from your parents?

The path depends on how it was owned (above). Then comes the change in ownership statement, a possible Prop 19 claim, and a decision to keep or sell.

Can I inherit my parents' house without paying taxes?

California has no inheritance tax. Property tax and income tax rules are separate. See Prop 19 and step-up above, and ask the assessor or a tax professional.

Does a step-up in basis wipe out capital gains?

Generally the basis resets to the home's value at death. How that affects a sale depends on your facts. Ask a tax professional.

Can I sell during probate?

It depends on the representative's authority and the court's rules. See Probate in California, step by step.

How long will this take?

See How long does probate take in California?

Where Mr. Cash Offer fits

Fadi Haweileh is a California real estate salesperson (DRE #02002344) with eXp Realty of Greater Los Angeles, Inc. (DRE #02188471). If you sell to Mr. Cash Offer, the buyer is not your agent and can profit if the house is later resold. If you list with Fadi's team instead, he earns a commission. Either way he's paid. If selling turns out to be the right path, he'll show you a cash offer and what listing would likely net, side by side, and you decide. If it isn't, the steps above still apply. A cash offer is usually below full market value. Before you decide, get a second estimate from an agent who isn't buying.

Call Fadi, no pressure: **(909) 731-6884**



Questions about your situation?

Fadi Haweileh, California real estate agent, DRE #02002344, eXp Realty of Greater Los Angeles, Inc., DRE #02188471.

(909) 731-6884

Sources

Checked on November 23, 2026.

- California Courts Self-Help, Simple transfers (https://selfhelp.courts.ca.gov/probate/simple-transfer)
- California Courts Self-Help, Overview of formal probate (https://selfhelp.courts.ca.gov/probate/formal-probate)
- Probate Code 8001 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PROB&sectionNum=8001)
- Probate Code 5626 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PROB&sectionNum=5626)
- 12 U.S.C. 1701j-3(d)(5) and (6) (https://www.law.cornell.edu/uscode/text/12/1701j-3)
- 12 CFR 191.5 (https://www.ecfr.gov/current/title-12/chapter-I/part-191/section-191.5)
- 12 CFR 1024.31 (https://www.ecfr.gov/current/title-12/chapter-X/part-1024/subpart-C/section-1024.31)
- 12 CFR 1024.38 (https://www.ecfr.gov/current/title-12/chapter-X/part-1024/subpart-C/section-1024.38)

- Revenue & Taxation Code 480 (https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=RTC&sectionNum=480)
- BOE Publication 800-9 (https://www.boe.ca.gov/pdf/pub800-9.pdf)
- BOE Proposition 19 (https://www.boe.ca.gov/prop19/)
- 26 U.S.C. 1014 (https://www.law.cornell.edu/uscode/text/26/1014)
- IRS Publication 551 (https://www.irs.gov/publications/p551)
- California Tax Service Center, Special circumstances (https://taxes.ca.gov/income-tax/special-circumstances/)
- DRE, "Protect Your Property: Tips to Spot Unsolicited Offers" (Feb. 11, 2025) (https://dre.ca.gov/newsroom/DRE_Updates/2025_02_11_ProtectYourProperty.html)

This guide explains general California rules. It isn't legal or tax advice.