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FREE GUIDE

CALIFORNIA HOMEOWNERS

Inherited a house with siblings who can't agree? Your options in California

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

INSIDE

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Questions? Talk with Fadi.
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Inherited a house with siblings who can't agree? Your options in California

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QUICK ANSWER

When siblings inherit a house and can't agree, there are four main paths: agree on a plan (keep, rent or sell), have one of you buy out the others, work it out with a mediator, or ask a court to decide. Who holds authority right now matters most. During probate it's the personal representative; in a living trust it's the trustee. After the house is handed out, the siblings own it together.

This is painful, especially while you're grieving. Nothing here has to be decided this week.

At a glance

Four paths when siblings disagree

During probate the personal representative has authority; in a living trust, the trustee. Talk with an attorney before anyone signs or files.

Agree on a plan

- Keep, rent or sell together
- Start from one neutral value

One buys out the others

- By agreement, at a price you set
- In court: 45 days to elect a buyout
- Court price: value times the seller's share

Mediation

- A neutral helps you agree
- The mediator doesn't decide
- Generally confidential

Court partition

- A co-owner can generally ask
- Dividing first, unless great prejudice
- Sale: generally open market, licensed broker
- Costs generally split by share

Path	What the law provides
Probate sale with objections	An heir can object in writing to a Notice of Proposed Action; the sale then needs court supervision
Trust	The trustee can sell but must be impartial; a beneficiary can ask the court for instructions
One sibling buys out	By agreement, or in court: co-owners who didn't ask for a sale get 45 days to elect a buyout
Mediation	A neutral helps you reach your own agreement; what's said is generally confidential
Court partition	A co-owner can generally ask a court to divide or sell; costs are generally split by share or another fair way

How do we own it now?

California's default for co-owners is "an interest in common," unless the will or transfer declares a joint tenancy (or it's partnership or community property). So siblings who inherit together are usually tenants in common: each owns a share, and shares can differ.

A joint tenancy must be expressly declared, is in equal shares, and passes to the surviving owner. Check the deed, the will and any trust.

Can the executor sell if one of us objects?

In probate, the court appoints a personal representative (an executor or administrator). The representative may sell when it's "to the advantage of the estate and in the best interest of the interested persons." With full independent authority, the representative sends a Notice of Proposed Action (form DE-165) at least 15 days before a home sale, stating the price and the agent's commission. Each affected heir gets one. You can object in writing (the form or any clear writing) at the address on the notice, or ask the court for an order that stops the representative from acting without court supervision.

An objection doesn't cancel the sale. The sale can still go forward, but only under court supervision, and you get notice of the hearing. A court-confirmed sale has stricter rules, such as an offer of at least 90% of a recent appraisal and a chance for others to overbid at the hearing. If you get the notice and don't object, you generally give up the right to have the court review the sale later.

Before the estate is handed out, any heir who would receive a share can also ask the probate court to divide the property fairly. The court can order a sale if that's fairer and the house can't conveniently go to one person. Each side pays its own attorney.

What if the house is in a living trust?

The trustee has the power to sell trust property. When there are two or more beneficiaries, the trustee must "deal impartially with them." A beneficiary who disagrees can ask the court to instruct, review or remove the trustee. The trust document can change these rules, so ask a trust attorney.

Can one of us buy the others out?

Yes, if you agree on a price. An appraisal can give everyone the same number to work from.

If it goes to court, the law builds in a buyout. Under the Partition of Real Property Act, if any co-owner asks for a sale, the court sends notice that the other co-owners may buy out those who asked. They have 45 days to say yes. The price is the court-set value of the whole house times the seller's share, and the court sets a payment date at least 60 days out.

Example (made-up numbers): if the court values the house at $600,000 and a sister asking for a sale owns one-third, her share's buyout price is $200,000.

What does a court partition involve?

A court partition, step by step

Partition of Real Property Act: cases filed on or after January 1, 2023, where co-owners have no written agreement on partition. Costs are generally split by ownership share, or another fair way.

STEP 1
Notice
If notice is by publication, a sign goes up within 10 days after the court rules on that request

STEP 2
Value
A licensed appraiser, unless everyone agrees on a value; 30 days to object

STEP 3
Buyout window
Co-owners who didn't ask for a sale get 45 days to elect; payment date at least 60 days out

STEP 4
Divide or sell
Dividing comes first, unless it would cause great prejudice to the owners as a group

STEP 5
Open-market sale
Generally through a licensed broker, listed at no less than the court's value

A co-owner who inherited can file a partition action, generally "as of right." The Partition of Real Property Act applies to tenancies in common with no written agreement on partition, for cases filed on or after January 1, 2023. Its steps:

1. **Notice.** If notice is by publication, a sign must go up on the property within 10 days after the court rules on that request.
2. **Value.** Unless everyone agrees on a value, a disinterested licensed appraiser values the house. You have 30 days after notice of the appraisal to object, then the court sets the value.
3. **Buyout.** The 45-day buyout window above.
4. **Divide or sell.** If no buyout happens, the law's first choice is to divide the land, unless that would cause "great prejudice" to the owners as a group. The court weighs factors such as whether it can be divided, value lost, family history and sentimental attachment, and who paid taxes, insurance and upkeep.
5. **Open-market sale.** If a sale is ordered, it's generally an open-market sale through a licensed California broker. You have 10 days to agree on one, or the court appoints one, and the house is listed at no less than the court's value.

The costs of partition (reasonable attorney's fees for the common benefit, the referee, appraisal and title costs) are generally split by ownership share, or another fair way. The court won't charge them to someone who opposed the partition unless it finds that fair. From a sale, costs and liens are paid first, then each owner's share.

Can mediation help?

Mediation means a neutral person helps you reach an agreement you all accept. The mediator doesn't decide, and what's said is generally confidential. Riverside County's court, for example, offers probate mediation; in court-referred cases its bar's program gives three hours at no cost. Check your county court's ADR (alternative dispute resolution) page.

What if one of us wants to live there?

Prop 19 can keep the parent's property tax base if the parent's main home becomes a child's main home. If two children inherit, only one has to move in within a year, but at least one eligible child must keep living there. The child files for the homeowners' (or disabled veterans') exemption within one year, and the BOE-19-P claim within three years of the death or before a sale to an outside buyer, whichever is first. The protected value is the parent's taxable value plus $1,044,586 (for transfers from February 16, 2025 to February 15, 2027). Value above that is added to the tax base.

How a buyout between siblings affects the tax bill isn't settled in what we read. Ask your county assessor before you sign.

What to do this week

1. **Find the papers:** the deed, the will, any trust. Learn who holds authority.
2. **Write down what each person wants,** and why.
3. **Get one neutral value,** such as an appraisal.
4. **Call your county court's ADR office** or a community mediation program.
5. **Talk with a probate or trust attorney** before anyone signs, files or objects.

Watch out for

- **Missing the 15 days.** If you object to a proposed sale, deliver it in writing to the address on the notice before the date it gives, and talk with an attorney.
- **Unsolicited offers.** After the 2025 Los Angeles fires, the California Department of Real Estate (DRE) warned that unsolicited offers are often made "far below market value." Its red flags include promises of "all cash, a quick closing, a hassle-free transaction." Its advice: "take the time to have a professional help you determine the value of the property." That goes for our offer too.
- **Signing alone.** Don't sign anything about the house on your own. Have an attorney read any contract first.

Questions people ask

Can my sibling force a sale of our inherited house?

A co-owner can generally ask a court to partition. Under the 2023 rules, others can buy out the person asking for a sale first, and the court weighs dividing before selling.

My brother lives there. Does he owe rent?

A co-owner who isn't living there can serve a written demand to share possession. The court can also make fair adjustments in a partition. Ask an attorney.

Can the executor sell without everyone agreeing?

Yes, but a written objection moves the sale into court supervision.

Who pays for a partition lawsuit?

Costs are generally split by ownership share, or another fair way. Each person may still owe their own attorney.

See also: Probate in California, step by step, Inherited a house: the first 30 days, and Cash offer or list it?

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 selling turns out to be the right path, and everyone with authority agrees, Fadi can show you a cash offer and what listing would likely net, side by side. If it isn't, the steps above still apply. 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. 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?

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Sources

Checked on November 23, 2026. California statutes are on the Legislature's site (https://leginfo.legislature.ca.gov/faces/codes.xhtml (https://leginfo.legislature.ca.gov/faces/codes.xhtml); search by code and section number).

- Civil Code 682, 683, 685, 686: ways to own property together
- Civil Code 843: co-owner's demand to share possession
- Probate Code 9650, 10000, 10403, 10580, 10581, 10585, 10586, 10587, 10588, 10589, 10590: representative's powers, Notice of Proposed Action, objections
- Probate Code 10300, 10308, 10309, 10311: court-confirmed sales
- Probate Code 11950, 11951, 11953, 11955: partition during probate
- Probate Code 16003, 16061.7, 16061.8, 16226, 17200: trustees
- Code of Civil Procedure 872.140, 872.210, 872.710, 872.820, 873.010, 873.820, 874.010, 874.040: partition
- Code of Civil Procedure 874.311 to 874.323, Partition of Real Property Act (https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=CCP&division=&title=10.5.&part=2.&chapter=10.&article=)
- Evidence Code 1115, 1119: mediation and confidentiality
- California Courts Self-Help, Simple transfers (https://selfhelp.courts.ca.gov/probate/simple-transfer)
- California Courts, Alternative Dispute Resolution (https://courts.ca.gov/programs-initiatives/alternative-dispute-resolution-adr)
- Riverside Superior Court, Probate Mediation Information Sheet (https://www.riverside.courts.ca.gov/system/files/probatemediation_infosheet.pdf)
- Board of Equalization, Proposition 19 (https://www.boe.ca.gov/prop19/)
- BOE Letter to Assessors 2021/008 (Prop 19 Q&A) (https://www.boe.ca.gov/proptaxes/pdf/lta21008.pdf)
- 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. Talk with a probate or trust attorney, a tax professional, or your county assessor about your situation.