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FREE GUIDE · ARIZONA

Inherited a House in Arizona? A Step-by-Step Guide

What to do first, how title passes in Arizona, who can sell, and where to find help in Maricopa County.

Losing someone is hard, and a house adds a long to-do list. This guide walks through the usual steps in plain English. Every estate is different, so use it to get organized and to ask better questions of an attorney, title company or CPA.

1. What to do first

- **Order certified death certificates.** Title companies, banks, the court and the county will each want one. Getting several now saves time.
- **Secure the house.** Lock doors and windows, keep track of who has keys, and check on the property regularly. Don't remove valuables or sell belongings until it is clear who has legal authority.
- **Keep insurance active.** Call the homeowner's insurance company, tell them the owner has passed away, and ask whether coverage changes if the house is vacant. Many policies limit coverage for vacant homes.
- **Keep basic utilities on.** Power and water help prevent damage (and let buyers, inspectors or contractors see the house). Ask each utility how to move the account or keep it active.
- **Keep up with bills tied to the house** if you can: mortgage, property taxes, HOA dues and insurance. Missed payments can lead to late fees, liens or foreclosure.
- **Find the paperwork:** the will or trust, the deed, mortgage statements, the property tax bill and any HOA information. You can look up recorded deeds (including a beneficiary deed) on the Maricopa County Recorder's document search.

2. How the house passes in Arizona

How you can sell depends on **how the owner held title** and whether there was a will or trust. Common situations:

Situation	What it usually means
Beneficiary deed	An Arizona deed that transfers the property to the named beneficiary on the owner's death. It must have been signed and recorded with the county recorder **before** the owner died, and it is not revoked by a will. A.R.S. § 33-405

Joint tenancy or community property with right of survivorship	The surviving owner generally takes the deceased owner's share without probate.
House held in a living trust	The successor trustee named in the trust manages and can usually sell the house under the trust's terms, without probate.
Small estate (affidavit)	If the Arizona real estate is worth $300,000 or less after liens, heirs may be able to use an affidavit instead of full probate (details below). A.R.S. § 14-3971(E)
None of the above	Probate is usually needed so the court can appoint a personal representative who has authority to sell.

Small estate affidavit for real property

Arizona lets successors transfer real property by affidavit, without a full probate, when all of these are true (summary of A.R.S. § 14-3971(E)):

- The value of all of the person's Arizona real property, **less liens and mortgages, is $300,000 or less** (based on the full cash value on the county assessment roll).
- **At least six months** have passed since the death, shown by a certified death certificate attached to the affidavit.
- No personal representative has been appointed or applied for (or the estate's earlier probate is closed under the statute's conditions).
- Funeral expenses, last-illness expenses and all unsecured debts have been paid, and no federal estate tax is due.
- The people signing are entitled to the property under the will or as the heirs, and no one else has a right to it.

In Maricopa County the affidavit is filed with the Clerk of the Superior Court (there is a filing fee). The court issues a certified copy, which you then record with the County Recorder. Source: Maricopa County Superior Court, "How to Transfer a Small Estate by Affidavit"

3. Arizona probate basics

Informal probate

Handled by the court's probate registrar, usually without a hearing, when there are no disputes. An application to informally probate a will can be granted once at least 120 hours (five days) have passed since the death. A.R.S. § 14-3302

Formal probate

Supervised by a judge with notice and a hearing. It is typically used when the will is unclear or missing, someone objects, or the estate is more complicated.

Key points

- **Personal representative.** The court appoints a personal representative (sometimes called an executor) and issues "letters," the document that shows their authority to act for the estate, including selling the house.
- **Creditors.** The personal representative publishes a notice to creditors once a week for three weeks. Creditors generally have four months from the first publication to make claims. A.R.S. § 14-3801
- **Deadline.** In most cases a probate or appointment proceeding must be started within two years of the death (there are exceptions). A.R.S. § 14-3108

4. Who can sell the house?

- **Probate:** the personal representative, once appointed and holding letters.
- **Trust:** the successor trustee.
- **Beneficiary deed or survivorship:** the beneficiary or surviving owner. If there are several, all owners normally need to sign.
- **Small estate affidavit:** the successors named in the recorded affidavit, together.

> Before you sign a listing or a purchase contract, ask the title company what it needs to insure the sale (for example letters of appointment, a recorded affidavit or a death certificate). That tells you whether you are ready to sell.

5. A typical order of events

1. Death certificates, secure the house, keep insurance and utilities on.
2. Find the will, trust and deed. Figure out which path applies (section 2).
3. Get authority: trustee steps in, beneficiary deed is confirmed, a small estate affidavit is filed (six-month wait), or probate opens (at least 120 hours after death for informal probate).
4. Decide what to do with the house with the other heirs (section 7).
5. Sell, rent or keep it. Pay debts and expenses, then distribute what is left as the will, trust or law requires.

Simple situations can move fairly quickly; disputes, missing heirs or title problems take longer.

6. Tax basics (talk to a CPA)

- **Stepped-up basis.** For federal income tax, the basis of inherited property is generally its fair market value on the date of death. If you sell soon after for about that value, there may be little taxable gain. IRS Publication 551; Tax Topic 703
- **Community property.** Arizona is a community property state. Special basis rules can apply to a surviving spouse's share. IRS Publication 555
- **Property taxes** keep coming due. Check the bill and payment status with the Maricopa County Treasurer.

- Keep records of repairs, closing costs and expenses. A CPA can tell you what matters for your situation.

7. Your options for the house

Option	Good fit when...	Keep in mind
List it for sale	The house is in good shape and the heirs have time for repairs, showings and escrow.	Repairs, cleanout, commissions and carrying costs while it sells.
Sell as-is for cash	The house needs work, is full of belongings, is far away, or the heirs want a simple, set closing date.	Price reflects the condition. Compare offers and read the contract.
Rent it out	An heir wants to keep it and can manage it or hire a manager.	Landlord duties, repairs, vacancies, and all owners must agree.
Keep or move in	A family member wants to live there.	The mortgage, taxes and insurance still have to be paid.

8. Checklist

☐ Order several certified death certificates

☐ Lock up the house; keep a list of who has keys

☐ Call the insurance company about vacancy and coverage

☐ Keep power and water on; set up a plan for mail and yard care

☐ Find the will, trust, deed, mortgage statement, tax bill and HOA details

☐ Search the Recorder for a beneficiary deed or other recorded documents

☐ Look up the full cash value on the Assessor's site (needed for the small estate test)

☐ Decide on the path: trust, beneficiary deed, affidavit or probate

☐ Talk with the other heirs about keeping, renting or selling

☐ Ask a title company what it needs to close a sale

☐ Talk to a CPA before you sell

9. Maricopa County and Arizona resources

Superior Court: Probate resource guide	superiorcourt.maricopa.gov/ll/probate
Superior Court: Small estate affidavit	superiorcourt.maricopa.gov/llrc/prob_pbse1

Superior Court: Probate forms	superiorcourt.maricopa.gov/llrc/probate-court-forms
Maricopa County Recorder (record and search documents)	recorder.maricopa.gov · 602-506-3535
Maricopa County Assessor (property values)	mcassessor.maricopa.gov
Maricopa County Treasurer (property taxes)	treasurer.maricopa.gov
Arizona Courts Self-Service Center	azcourts.gov/selfservicecenter
Free legal information	azlawhelp.org
Arizona statutes cited	A.R.S. § 14-3971 · § 33-405 · § 14-3302 · § 14-3801 · § 14-3108
IRS: Basis of inherited property	irs.gov/publications/p551 · p555

Questions about a house in Arizona?

Call or text **602-557-4725** (24/7) or visit **usahomehelp.com**. We will listen, explain your options in plain English, and you decide what is right for you.

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