



## **Puzzled by Probate? A Two-Part Special**

### *PART I - Cozying Up with the Courts*

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January 3, 2022*

The Legal Information Line frequently receives questions from real estate agents scratching their heads at the daunting legal mechanics of the probate process. The typical scenario is:

*A real estate agent is approached by a personal representative of an estate to sell real property.  
Can the agent list the property and what does the agent need to know?*

The short answer is - Yes. Per NRS 148,110, the personal representative can sign a listing agreement to help find a purchaser for the estate's real property. Now that it has been established that real estate agents may facilitate sales of real property where probate is implicated, it's important that agents proceed carefully within the scope of their expertise and competently.

**#1** - The number one most important thing real estate agents must know and must tell their clients about property generally sold through probate is **EVERYTHING MUST BE COURT APPROVED**. Agents should expect to report to the court for confirmation; from the listing agreement which sets commission amounts and the confirmation of the sale itself - **the court needs to put its stamp of approval on all of it**.

**#2** - Agents' clients must understand that to prevent liability personally, to the broker, and to the estate itself, everything must be confirmed by the probate court. Because Nevada law provides specific procedures on the sale of real property in probate (*e.g.* public notice, hearing, confirmation), **agents should strongly advise clients, if they haven't already done so, to hire a probate attorney for representation in probate court**.

**#3** - Also very important - **agents must determine if the personal representative has authority to sign the listing agreement in the first place!** Otherwise, a negligent agent could be liable for misrepresenting to other agents and the public that the listing agent has a seller with the lawful right to do so.



- a. So how do agents verify “authority”? Real estate licensees must request written verification and proof that the person signing the listing agreement actually has the authority to sell the real property (*like Letters of Administration - which are granted by the Court after the representative has petitioned the court for probate*).

Lastly, agents should spend time on their local district court’s probate division’s website which provides all sorts of helpful information (like FAQs, forms, and contact information should additional assistance from the court clerk is needed). To get started, here’s a link to the Supreme Court of Nevada Law Library, Online Forms by County: [Online Forms by County \(nvcourts.gov\)](http://nvcourts.gov).

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