



A CLIENT GUIDE · AFTER A LOSS

# The Inherited House.

*A clear, gentle guide to a Colorado home in probate. Written for the family living the loss, not for the paperwork.*

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COMPASS

BEFORE ANYTHING ELSE

# First, breathe. The house can wait.

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Someone you love is gone, and somehow, in the middle of the grief, there is a house: their house, full of their things and your memories, with a mortgage statement still arriving in the mail. Everyone seems to want something done about it.

Here is the truth almost nobody tells families in the first week: nearly every deadline in a Colorado estate is measured in months, not days. The house does not need to be sold this week, this month, or before the holidays. It needs to be secured, insured, and understood. The rest can move at the speed of the family.

Two promises. No pressure: nothing in these pages asks you to sell anything. No pretending: where a decision belongs to your attorney, your tax professional, or the court, this guide says so plainly.

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WAYS A HOUSE  
PASSES

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4

MONTHS. THE  
CREDITOR WINDOW

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6

MONTHS AN ESTATE  
STAYS OPEN.  
MINIMUM

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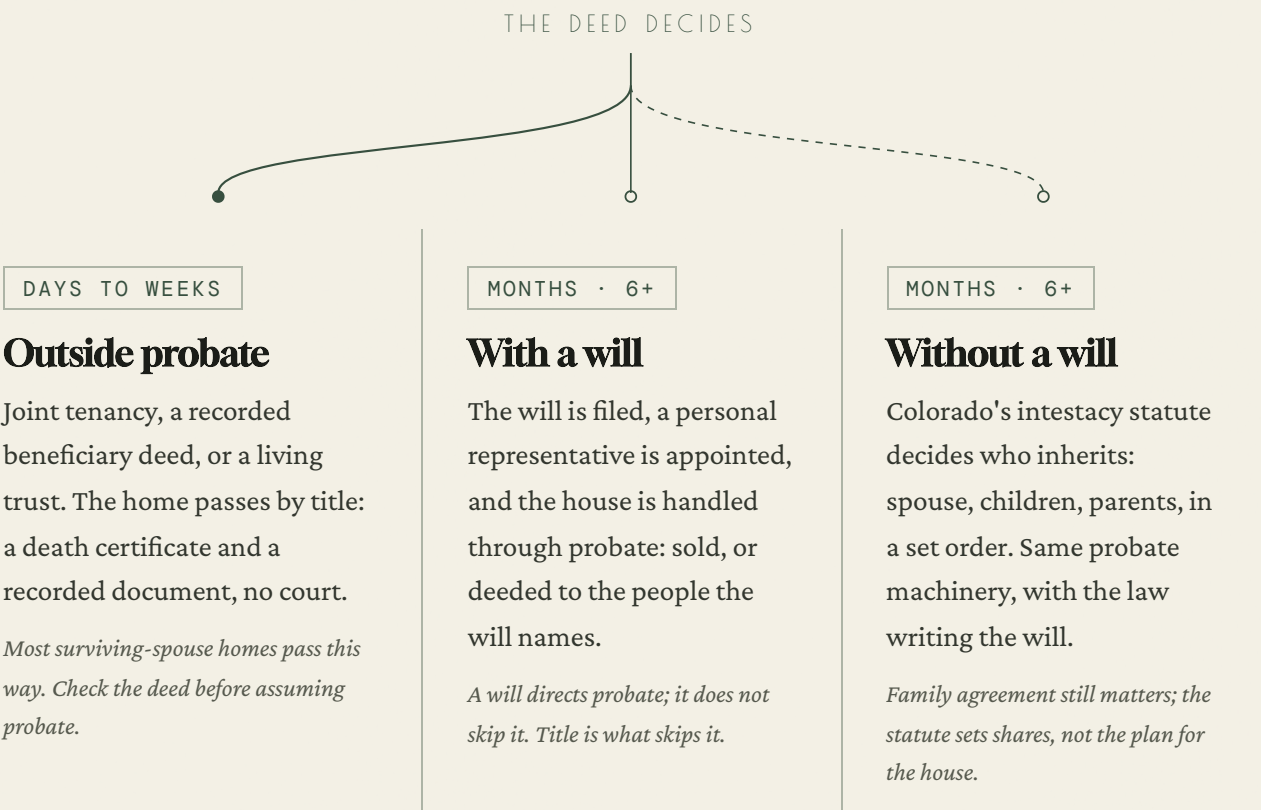
DECISIONS THE  
HOUSE  
NEEDS THIS WEEK

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This guide is general information for Colorado families, not legal or tax advice. Every estate is different; confirm decisions about estate property with your probate attorney before acting.

THE FIRST QUESTION. ANSWERED

# How a house passes in Colorado.



Which lane your house is in is a title question, answered by reading the recorded deed. That takes minutes, and it is the right first phone call.

# The words, translated.

**Probate**

The court-supervised process that moves what someone owned to the people who inherit it, and pays what was owed first.

**Personal representative**

Colorado's word for executor: the person with legal authority to act for the estate. Often a family member.

**Letters**

The one-page court document proving that authority. Banks, title companies, and buyers will ask to see it.

**Informal vs. formal**

Informal: paperwork through the registrar, no hearings, most estates. Formal: a judge decides disputes.

**Intestate**

Dying without a will. Colorado's statute then sets who inherits and in what shares.

**Beneficiary deed**

A deed recorded during life that passes the home at death, outside probate. Revocable any time while living.

**Date-of-death value**

What the home was worth the day the owner died. It sets the tax basis, so it gets documented carefully.

**Ancillary probate**

A second, smaller probate in Colorado when someone who lived elsewhere owned property here.

# Written in statute.

C.R.S. 15-12-1201

## **The shortcut does not fit a house.**

Colorado's small-estate affidavit moves modest personal property without probate (under a cap adjusted annually, in the mid \$80,000s for 2025 deaths, after a ten-day wait). A home titled in the person's name goes through probate, unless title or a recorded deed already routes it around.

C.R.S. 15-12-801

## **Creditors get four months.**

Publishing notice opens a four-month window for claims; known creditors who get mailed notice have at least sixty days; with no notice, claims can arrive up to one year after death. Distributing the house or its proceeds before claims resolve is how personal representatives get burned.

C.R.S. 15-12-1003

## **Six months, minimum.**

An estate cannot close earlier than six months from the personal representative's appointment. Estates with a home to sell commonly run nine to eighteen months. Build the family's expectations, and the house plan, on that clock.

C.R.S. 15-15-401

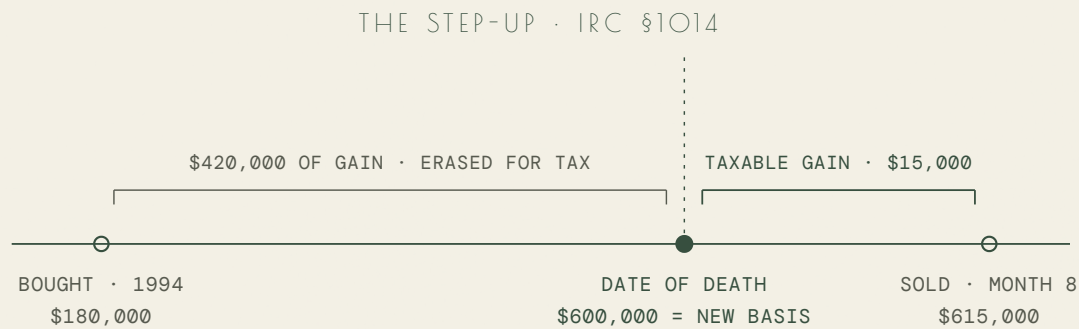
## **The deed that skips all of this.**

A recorded beneficiary deed passes a Colorado home at death without probate, and stays revocable while the owner lives. For the next generation's house, it is one recorded page. The statute itself cautions it may not avoid probate in every situation; an attorney confirms the fit.

Statutes summarized in plain language; the full text controls. Confirm how each rule applies to your estate with a Colorado probate attorney.

# The basis resets.

When a home passes at death, its tax basis steps up to the date-of-death value. Decades of appreciation can drop out of the taxable picture entirely:



*Illustrative numbers. Your figures come from a documented date-of-death appraisal and your tax professional.*

## The mortgage can stay. 12 U.S.C. 1701j-3(d)

Under the federal Garn-St Germain Act, a relative who inherits a home can generally keep the existing mortgage and its rate; the lender cannot call the loan just because the home passed at death. In a high-rate year, an inherited 3% loan is an asset of its own.

## Order the date-of-death appraisal early.

The step-up is only as strong as its proof. A licensed appraisal effective on the date of death documents the new basis for the IRS and gives the family one honest number to plan around. It gets harder to reconstruct the longer you wait.

# The process, honestly.

## THE ESTATE

## THE HOUSE

**The first days.** Death certificates ordered, the will located, nothing filed yet. Grief comes first.

FIRST DAYS

**Secure it.** Locks, alarm, mail hold, utilities on, and a call to the insurance carrier about the vacancy.

**The personal representative is appointed** and Letters issue. Informal appointment often takes days to a few weeks.

WEEKS 1-3

**Authority over the house begins now,** not before. No contracts, no clean-outs for value, until Letters exist.

**Inventory and values.** What the estate owns and owes, documented as of the date of death.

EARLY

**The appraisal that sets the tax basis.** One licensed opinion, effective on the date of death. IRC §1014

**The creditor window runs.** Four months from published notice for claims.  
C.R.S. 15-12-801

4 MONTHS

**The house can be prepared, even listed.** Proceeds simply wait in the estate until claims resolve.

**The family decides.** Sell and divide, one heir keeps it, or deed it out per the will. In writing, with everyone seeing the same numbers.

THE DECISION

**Sell: prepare quietly and price from closed sales. Keep: assume the loan or refinance,** and settle shares with siblings.

**Distribution and closing.** The estate cannot close before six months from appointment.  
C.R.S. 15-12-1003

MONTH 6+

**Title transfers or proceeds divide,** documented to every heir alike. The house's chapter closes properly.

A representative informal-probate sequence. Formal or contested estates run longer. Your county, your registrar, and your facts set the real calendar.

# What families actually ask.

## 01 There's a will. Do we still have to do probate?

Usually, yes. A will directs probate; it does not skip it. What skips probate is title: joint tenancy, a recorded beneficiary deed, or a trust. Reading the deed answers it in minutes.

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## 02 Who pays the mortgage until this is settled?

The estate does, from estate funds, and it keeps every receipt. If you advance money personally, document it; personal representatives are generally reimbursed before anyone inherits. If the estate is short on cash, talk to the attorney before paying from your own pocket.

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## 03 Can someone keep living in the house?

Often yes, for a season, by agreement. Put occupancy, who pays what, and an end date in writing with the personal representative, whose legal duty is fairness to every heir alike.

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## 04 Is there an inheritance tax?

Colorado has none: no state estate tax, no inheritance tax. The federal estate tax touches only estates above \$15 million per person (2026). For most families, the real tax story is the stepped-up basis on the money page.

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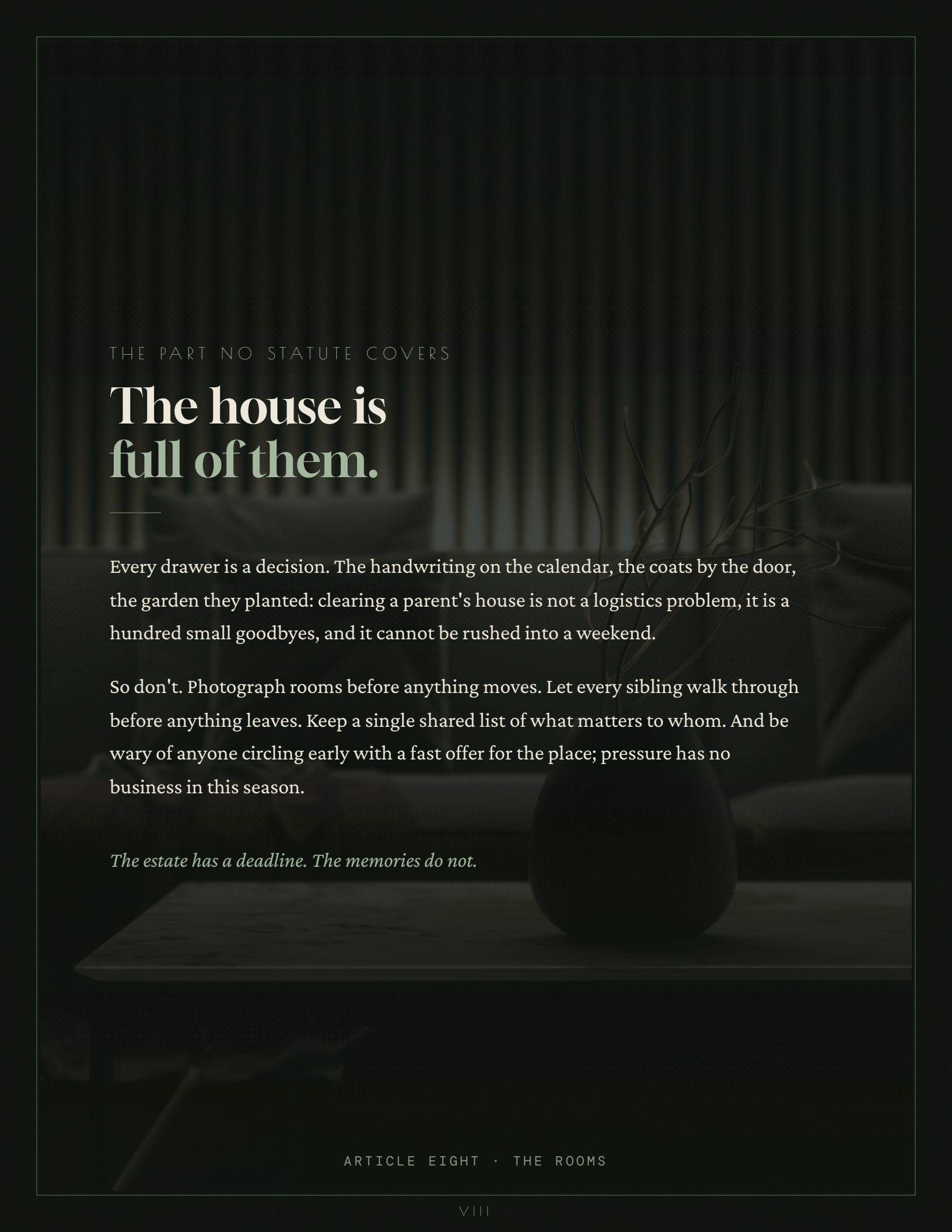
## 05 There's a reverse mortgage. Did we lose the house?

No. The loan comes due at death, and heirs generally get thirty days plus extensions, commonly six months or more while actively selling or refinancing. To keep the home, heirs pay the loan balance or 95% of appraised value, whichever is less. Call the servicer early.

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## 06 Do we need a lawyer?

Not always. Colorado's informal probate was built for families: JDF forms, a \$229 filing fee (waivable if it is a hardship), and self-help staff at the courthouse. Conflict among heirs, more debts than assets, or an unclear will: that is when you hire counsel, early.



THE PART NO STATUTE COVERS

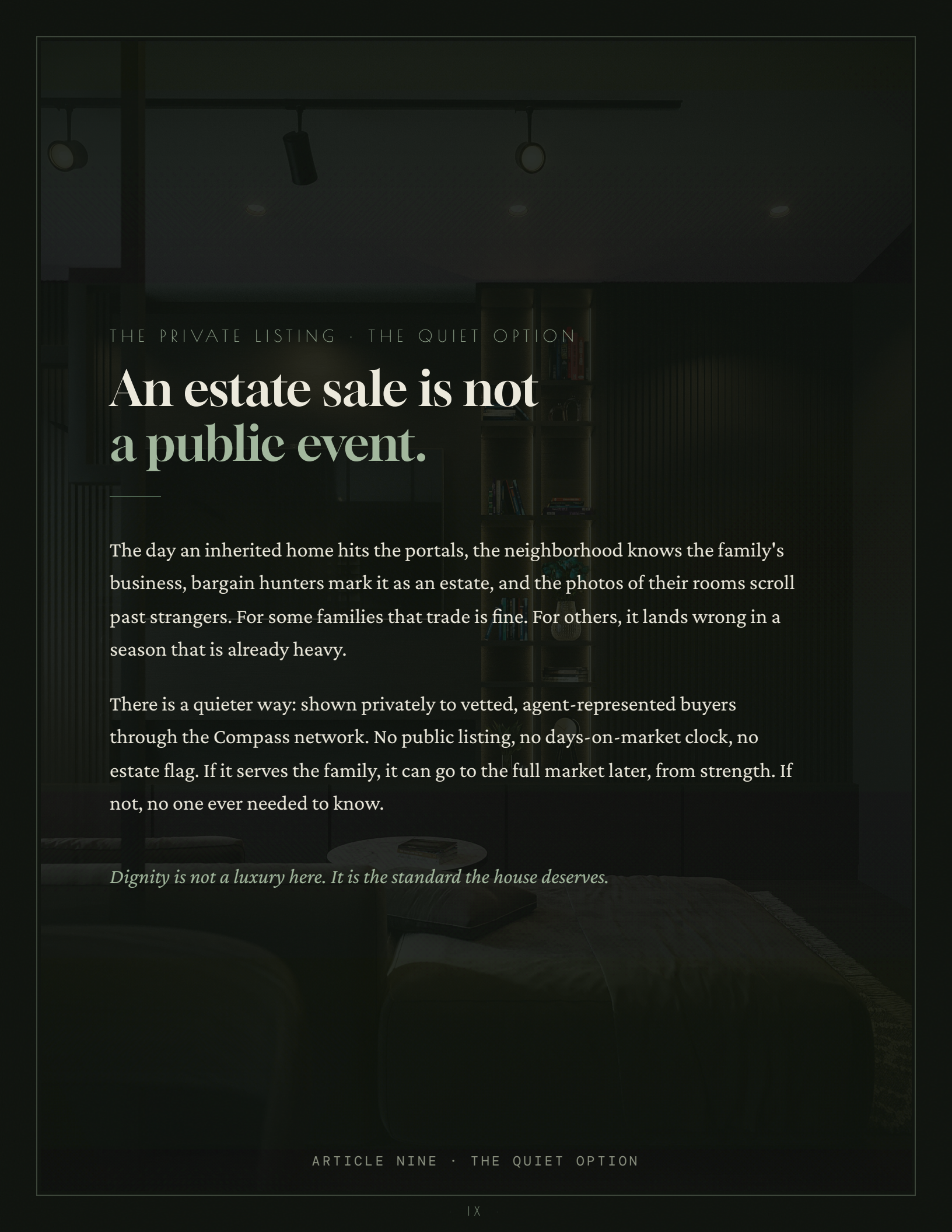
# The house is full of them.

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Every drawer is a decision. The handwriting on the calendar, the coats by the door, the garden they planted: clearing a parent's house is not a logistics problem, it is a hundred small goodbyes, and it cannot be rushed into a weekend.

So don't. Photograph rooms before anything moves. Let every sibling walk through before anything leaves. Keep a single shared list of what matters to whom. And be wary of anyone circling early with a fast offer for the place; pressure has no business in this season.

*The estate has a deadline. The memories do not.*



THE PRIVATE LISTING · THE QUIET OPTION

# An estate sale is not a public event.

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The day an inherited home hits the portals, the neighborhood knows the family's business, bargain hunters mark it as an estate, and the photos of their rooms scroll past strangers. For some families that trade is fine. For others, it lands wrong in a season that is already heavy.

There is a quieter way: shown privately to vetted, agent-represented buyers through the Compass network. No public listing, no days-on-market clock, no estate flag. If it serves the family, it can go to the full market later, from strength. If not, no one ever needed to know.

*Dignity is not a luxury here. It is the standard the house deserves.*

ARTICLE NINE · THE QUIET OPTION

# Six expensive mistakes.

01

## **Distributing too soon**

Paying heirs before the creditor window closes can land the shortfall on the personal representative personally. The four months exist for a reason; let them run.

02

## **Letting the insurance quietly die**

Many homeowner policies restrict or void coverage once a home sits vacant for thirty to sixty days. One call to the carrier about vacant-home coverage protects the estate's largest asset.

03

## **The fast-cash "we buy houses" call**

Investors watch obituaries and probate filings, and their speed is priced in. An estate that is allowed to breathe sells on the market's terms, not a flipper's.

04

## **Skipping the date-of-death appraisal**

Without documented value at death, the stepped-up basis becomes an argument with the IRS instead of a fact on file. It is the cheapest tax protection the estate will ever buy.

05

## **Signing before Letters issue**

A contract on the house before the court grants authority is a contract the estate may not be able to honor. Authority first, signatures second.

06

## **Announcing the empty house**

Obituaries and social posts can tell strangers exactly which house now sits unattended. Keep addresses out of public notices, and keep the lights on timers.

YOU DO NOT DO THIS ALONE

# Your team, and where to find real help.

THE TEAM · WHO DOES WHAT

**Probate attorney**

Files, advises the personal representative, keeps deadlines.

**Tax professional**

The basis, the estate's returns, the timing of the sale.

**Date-of-death appraiser**

Documents the value that becomes the new basis.

**Estate sale & clean-out pro**

Values contents before anything is given away.

**Insurance agent**

Vacant-home coverage while the estate runs.

**A neutral real estate broker**

Same numbers to every heir and the attorney, at once.

THE DIRECTORY · FREE AND LOW-COST COLORADO HELP

**Colorado Judicial Branch · Probate Self-Help**

The courts' own probate forms (JDF series), instructions, and self-help staff in every district courthouse.

[coloradojudicial.gov](http://coloradojudicial.gov)

at your district courthouse

**Judicial Legal Help Center**

Plain-language guides to probate, wills, and small estates, statewide and free.

[lawhelp.colorado.gov](http://lawhelp.colorado.gov)

online, statewide

**Denver Probate Court**

Denver County has Colorado's only dedicated probate court; everywhere else, estates file in district court.

[coloradojudicial.gov](http://coloradojudicial.gov)

Denver County estates

**Colorado Legal Services**

Free civil legal aid for income-qualified Coloradans; intake will tell you whether your estate matter qualifies.

[coloradolegalservices.org](http://coloradolegalservices.org)

303.837.1313

**Colorado Bar Association · Find a Lawyer**

The bar's directory of licensed Colorado attorneys, searchable by probate and estate practice and by county.

[cobar.org](http://cobar.org)

online, statewide

**2-1-1 Colorado**

Grief support, senior services, housing help, and referrals, one call statewide.

[211colorado.org](http://211colorado.org)

dial 2-1-1

GATHER NOW    Death certificates, several copies · The will · Deed and title policy · Mortgage statement  
· Insurance policy · Keys and codes

WHY I DO THIS, IN MY OWN WORDS

# A home is never just a house. Especially this one.



An inherited home is the hardest listing in real estate, because it is not really a listing. It is a family's whole history with an address on it, handled by people who are grieving, often from three different states, on a court's timeline none of them chose.

My role is deliberately steady and deliberately neutral. I give the personal representative and every heir the same numbers, the same offers, and the same honest read, in writing, at the same time. I have told families to wait. I have told families the beneficiary deed made me unnecessary. The advice follows the facts, not the commission.

**If you are reading this early**, before Letters issue, before the family has decided anything, that is the best time to talk: a documented value for the inventory, no obligation attached.

*Robert S. An*

REALTOR®

BE ONE TEAM · COMPASS

5.0★

TOP AGENT ON  
ZILLOW  
32 REVIEWS

20+

HOMES SOLD  
A YEAR

\$600K

AVERAGE  
SALE PRICE

\$12M+

IN HOME SALES.  
EVERY YEAR

Source: Zillow profile (5.0★, 32 reviews) and verified production averages · Compass DTC, Denver.

ARTICLE TWELVE · THE BROKER

RA

# One conversation. When you're ready.

*What the house is honestly worth, documented for the estate. What each path would mean for the family. And nothing rushed, ever.*



COMPASS

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REAL ESTATE FOR FAMILIES IN TRANSITION

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This guide is general information for Colorado families and is not legal or tax advice; decisions about estate property are made with your attorney and tax professional. Statutes and law summarized: C.R.S. 15-12-801, 15-12-1003, 15-12-1201, 15-15-401 et seq.; IRC §1014; 12 U.S.C. 1701j-3(d). Small-estate figures adjust annually; confirm current amounts. Private and pre-market listings offered through Compass Private Exclusives in accordance with Compass and applicable MLS policies. Equal Housing Opportunity.