



PROBATE & AUTHORITY-TO-SELL CHECKLIST

Track who may sign, what the court may need, and the documents that help confirm sale authority.

FOR MEMPHIS-AREA ESTATE PROPERTY PREPARATION.

FIRST QUESTION - WHO OWNS THE PROPERTY NOW?

Confirm title before assuming probate

The deed, any survivorship language, a trust, and court appointments determine who may have authority. A will names beneficiaries and may nominate an executor, but it does not by itself prove that a person can sign a deed.

Do not sign based on family agreement alone

Ask a Tennessee probate attorney or the closing / title professional to review the deed, death information, will or trust, and court record. Power of attorney authority generally ends when the principal dies.

PROPERTY ADDRESS	DECEDENT'S FULL LEGAL NAME
DATE OF DEATH	COUNTY OF RESIDENCE
PROBATE COURT / COUNTY	CASE OR DOCKET NUMBER

Title / authority situation	Who may need to act	What must be verified
Survivorship ownership on deed	Surviving owner	Exact deed language, death certificate, title requirements
Property owned only by decedent	Court-appointed personal representative or vested heirs, as advised	Letters, will / intestacy, court authority, title status
Property titled in a trust	Current trustee	Trust ownership, successor trustee, sale power
Living owner cannot sign	Valid agent, conservator, or guardian	Current authority and any required court approval
Multiple owners or marital rights	All required owners / spouses	Deed, marital status, judgments, title commitment

COURT AND ESTATE FILE

Documents commonly needed to open or manage an estate

Shelby County Probate Court publishes forms and guidance, but the required filing depends on the estate, the will, family relationships, assets, debts, and whether anyone contests the appointment or sale.

Core identity and petition materials

- ☐ Certified death certificate
- ☐ Original will and all codicils, if any
- ☐ Verified petition for letters testamentary or administration
- ☐ Names, addresses, ages, and relationships of heirs
- ☐ Beneficiary / devisee information and disability status
- ☐ Estimate of estate assets and debts
- ☐ Proposed representative's identity and required disclosures

Appointment and administration records

- ☐ Estate oath and bond or bond-waiver documents
- ☐ Court order appointing the personal representative
- ☐ Certified letters testamentary or letters of administration
- ☐ Inventory, status report, and accounting records if required
- ☐ Creditor notice, claim, payment, and release records
- ☐ TennCare release and tax documents when applicable
- ☐ Orders, consents, waivers, or hearing notices required by the court

Petition detail reminder

Tennessee's application statute asks for specific information about the petitioner, decedent, heirs, will, beneficiaries, estimated estate value, proposed representative, and related matters. Use the current court form and obtain legal help when unsure.

SALE AUTHORITY

Who signs and what the title file may require

The closing professional should confirm signers before a contract is executed. Certified copies may be required, and a court order or additional consents may be necessary in some estates.

Person / role	Possible signing basis	Proof to obtain	Confirmed by
Personal representative	Court appointment and legal sale authority	Certified letters; will / order; ID	
Surviving co-owner	Deed and survivorship rights	Recorded deed; death certificate; ID	
Trustee	Trust owns property; trustee has sale power	Trust certification / requested pages; ID	
Heir / beneficiary	Title vested or authority otherwise established	Heirship / probate / title documents	
Agent for living owner	Current power of attorney	Original or certified POA; ID; title approval	
Conservator / guardian	Court appointment and permitted transaction	Letters / order; possible sale approval	

Property and title packet

- ☐ Recorded deed and legal description
- ☐ Title commitment or title search
- ☐ Mortgage, HELOC, judgment, and lien details
- ☐ County / city tax status and HOA balance
- ☐ Insurance, occupancy, lease, and repair records

Stop-and-review flags

- ☐ No certified letters or appointment order
- ☐ Disagreement among heirs, beneficiaries, or co-owners
- ☐ Minor, disabled, missing, or unknown interested person
- ☐ Foreclosure, tax sale, bankruptcy, divorce, or active litigation
- ☐ Will contest, creditor dispute, insolvent estate, or unclear deed

FROM ESTATE FILE TO CLOSING

Authority-to-sell progress tracker

Assign each step to one person and record who confirmed it. Keep the attorney, personal representative, buyer, lender, and closing professional working from the same status list.

Milestone	Owner	Requested / filed	Confirmed / completed	Notes
Deed and title reviewed				
Probate case opened / located				
Personal representative appointed				
Certified letters obtained				
Sale authority / court order confirmed				
Payoffs, taxes, HOA, and liens confirmed				
Contract signers approved				
Closing documents and proceeds plan approved				

ATTORNEY / FIRM	PHONE / EMAIL
CLOSING / TITLE COMPANY	PRIMARY CONTACT
COURT CASE NEXT DATE	TARGET CLOSING DATE

Closing packet

Bring the certified authority documents requested by the closing professional, current photo ID, tax ID information requested for the estate, payoff details, keys / access items, and written instructions for where estate proceeds must be delivered.

CURRENT OFFICIAL STARTING POINTS

Resources, questions and disclaimer

Sources below were reviewed on August 28, 2026. Forms, fees, court practices, statutes, and deadlines can change. Confirm the current requirements before filing, signing, or relying on this checklist.

Shelby County Probate Court

Probate Court and Clerk's Office: 140 Adams Avenue, Room 124, Memphis, TN 38103

Phone: (901) 222-3750

Court overview: shelbycountyttn.gov/probate

Probate forms: shelbycountyttn.gov/380/Probate-Forms

Questions for the probate attorney or title professional

- ☐ Does the deed transfer ownership outside probate, or is an estate proceeding required?
- ☐ Who must sign the purchase agreement and deed, and in what capacity?
- ☐ Do the will, letters, statutes, or a court order provide authority to sell this property?
- ☐ Are consents, notices, bond changes, creditor steps, tax releases, or court approval needed?
- ☐ How must net proceeds be titled, held, reported, and distributed?

This checklist is general educational information, not legal advice or a substitute for a Tennessee attorney, probate court instruction, or title examination. DOH Enterprise LLC is not acting as your lawyer, tax adviser, fiduciary, or court representative. Do not miss a court, creditor, foreclosure, or tax deadline while gathering documents.

MY NEXT CALL	DATE / TIME
QUESTION TO RESOLVE	RESULT / FOLLOW-UP