



# Auction Academy of North Carolina

## Probate and Estates Workbook

### **Probate & Estates Auction Workbook**

This workbook is meant to be written in, argued with, and carried into real conversations with families. Use it to connect the legal concepts to what you actually do at the kitchen table, in the driveway, and at the courthouse.

### **Section 1: Big picture of probate & estates**

#### 1.1 What is probate?

In your own words, write a simple definition you could say to a grieving family:

Key elements to remember:

- Court supervision:
- Who gets authority:
- Main jobs of that person:
- When probate might not be required:

#### 1.2 What can be in a probate estate?

List examples of assets that might be part of an estate you're called to help with:

- Personal property:
- Real estate:
- Financial accounts:
- Business interests:
- Other (lock boxes, notes, etc.):



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### 1.3 When is probate avoided?

Fill in the blanks and add your own examples.

- Direct beneficiaries named:
  - Example:
- Joint ownership with right of survivorship (JOWRS):
  - Example:
- Living trust:
  - Example:
- Power of Attorney:
  - Can this avoid probate? Why or why not?

## **Section 2: Roles, terms, and responsibilities**

### 2.1 Key terms cheat sheet

Write a short definition in your own words:

- Executor / Executrix:
- Administrator / Administratrix:
- Collector:
- Devisee:
- Heir:
- Beneficiary:
- Personal Representative:

### 2.2 Fiduciary responsibilities

What must an Executor/Administrator do?

- Safeguard property:
- Inventory assets (personal, financial, real estate):
- Pay debts and expenses:



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- Pay taxes (list types):
- Distribute assets:
- Keep records (how long?):

Which of these areas do you feel most confident in? Which feels most risky or confusing for you?

### **Section 3: Timeline & process notes**

#### 3.1 Early steps after death

Fill in the sequence:

1. Grieving process: What does the “10 minutes to 30 years” idea mean to you in practice?
2. Death certificate issued by:
3. Family finds original will (what makes it valid?):
4. Will and death certificate presented to Clerk of Court (timing?):

#### 3.2 Notice and inventory period

- Advertising period for creditors and debtors (days):
- Who must be notified?
  - Entities owed money:
  - Entities that owe the decedent:
  - Business-related parties:
- Inventory due to clerk within (days):

Write one question you will now always ask before agreeing to sell anything:



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### Section 4: Duties related to property & sales

#### 4.1 Duties toward the property

Real estate:

- Secure:
- Document condition:
- Repairs/cleanup (who might you recommend?):
- Ongoing maintenance (taxes, utilities, repairs):

Personal property:

- Distribute:
- Donate:
- Sell:
- Dispose of non-marketable items:

Where do you see the biggest risk of misunderstanding between you and the executor?

#### 4.2 Who can sign what?

Who can sign contracts with an auctioneer?

- Executor / Executrix:
- Administrator / Administratrix:
- Attorney:
- Commissioner:

Statute of Frauds reminder:

- What must always be in writing?
- What does NCGS 85B require for auction contracts?

Write your personal rule here:

I will not conduct or arrange a sale of real or personal property without:



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### Section 5: Ownership types & divided interests

#### 5.1 Real estate ownership

Fill in each with a short description and whether it typically goes through probate:

- Sole ownership:
- Tenancy by Entirety:
- Community Property:
- Tenants in Common:
- Joint Tenancy with Right of Survivorship:
- Trust ownership:

Which ownership type most often confuses your clients? Why?

#### 5.2 Personal property & divided interests

- When does personal property “belong to the estate”?
- What is a “divided interest”?
- When is there *not* a divided interest?

Write an example of a situation where multiple heirs think they “own” the same item:

### Section 6: Trust relationship & due diligence

#### 6.1 Your trust relationship

Complete these statements:

- My trust relationship is with:
- Not with (even if they act like the boss):

#### 6.2 Homework checklist

Use this as a pre-listing / pre-auction checklist:

- Property taxes paid?
- All owners/heirs identified and notified?



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- Is the property in probate?
- Any liens (mechanic, tax, bank, HOA, etc.)?
- Any bankruptcy history?
- Encroachments or boundary issues?
- Required disclosures understood and documented?

Add two more “must-check” items for your own practice:

- 1.
- 2.

### **Section 7: Communication & family dynamics**

#### 7.1 Listening skills

Communication breakdown:

- Verbal:
- Tone:
- Body language:

Write three specific things you can do in a home to show you’re truly listening:

- 1.
- 2.
- 3.

#### 7.2 Emotional and family dynamics

Questions to quietly ask yourself when you walk into a family situation:

- Who seems to be in charge?
- Who seems resentful, quiet, or left out?
- Is there visible conflict about money or “who gets what”?

How will you adjust your approach when you sense tension between heirs?



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### Section 8: Case study worksheets

Use these pages to think through risk, law, and your own boundaries.

#### Case Study 1

A person fails to probate the will of his/her parents because he/she feels that their siblings should not get a share.

- Red flags you see:
- Questions you would ask:
- Would you take the contract? Why or why not?
- What documentation would you require?

#### Case Study 2

Someone comes to you wanting to sell real estate and clear out personal property. You later learn the estate was never properly probated.

- What could go wrong for you legally and professionally?
- What documents should you have asked for before signing anything?
- What is your new rule for “proof of authority”?

#### Case Study 3

You hired a company to clear out personal property based on a “supposed” owner’s instructions. No listing agreement. No letters of testamentary. The items are gone.

- What duties did you violate?
- How does the Statute of Frauds apply here?
- What would you do differently next time—step by step?

#### Case Study 4

A real estate broker with a listing agreement sells the contents of the house at auction without telling the seller.

- Which laws are implicated (real estate, auction, probate)?
- What did the broker do that crossed into “acting as an auctioneer”?



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- How would you explain this mistake to a new agent in one sentence?

### Section 9: Personal action plan

#### 9.1 Your non-negotiables

Write 3–5 rules you will follow in every probate/estate situation:

- 1.
- 2.
- 3.
- 4.
- 5.

#### 9.2 Your professional team

List the professionals you want in your “probate circle”:

- Estate attorney(s):
- Accountant/CPA:
- Auctioneer(s):
- Estate sale company:
- Real estate colleagues with probate experience:

Who do you need to meet or strengthen a relationship with in the next 30 days?

#### 9.3 How you’ll show up for families

Finish these:

- When I walk into a probate situation, I want families to feel:
- The one thing I do better than most in these situations is:
- The one area I commit to learning more about this year is:

If you’d like, I can turn this into a printable PDF layout with space for writing, or add quizzes/checklists for each statute and role.



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Absolutely – and since you’ve shared the full slide deck, I can build a professional, structured auction workbook that aligns directly with your presentation and is ready for students, trainees, or CE classes.

Below is a complete, polished workbook organized to follow your presentation flow, with fill-in-the-blank sections, checklists, case-study worksheets, and practical tools for auctioneers, brokers, and estate professionals.

If you want, I can also format this into a printable layout or turn it into a page.