



# IDFPR

Illinois Department of  
Financial and Professional Regulation

Division of Real Estate

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## ESTATE SALE FAQ

As of January 1, 2026, **Estate Sales** in certain situations will need to be performed by a licensed Auctioneer per the Illinois Auction License Act (Act), [P.A. 104-0145](#).

### What changed?

The parameters of an Estate Sale and Estate Sale Service are now defined in the Act, as well as the exceptions to requiring a licensed auctioneer to perform the sale or service.

### What type of Estate Sale will require a licensed Auctioneer?

Estate Sale is the sale or liquidation of personal property of an estate; however, it requires a licensed auctioneer to conduct when all the following occur:

- 1) The sale occurs for another person and is for compensation;
- 2) The sale is advertised and scheduled for a certain date and time;
- 3) The sale is open to the public; and
- 4) Personal property is being bid on or negotiated for purchase.

### What type of Estate Sale will not require a licensed Auctioneer?

If an estate sale is being performed by an owner of the property, a beneficiary to a trust or will, the executor or administrator of an estate, or a guardian or receiver pursuant to a court order, an auctioneer is not required to perform the sale.

### Will every sale or liquidation of personal property of an estate require an Auctioneer?

If beneficiaries or representatives of an estate transfer ownership of personal property to a 3<sup>rd</sup> party reseller, such as a retail or consignment shop, local distributor, or donate the goods, there is no requirement for an auctioneer by any party.

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