



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 3rd 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.

The above is provided for general information only and may not be completely accurate in every circumstance. It does not purport to be legal advice, and is not intended to be legally binding on the Department in any particular case. Questions involving interpretation of the law and your legal rights and obligations should be addressed to your attorney.