



Office of the Probate Court

Debora A. Faulkner
Probate Judge for Greenville County
Greenville, South Carolina

www.greenvillecounty.org/probate

January 31, 2014

DEAR CREDITORS:

Effective January 1, 2014, many changes to the South Carolina Probate Code took effect. You are encouraged to consult with your legal counsel on the creditors' section (SCPC 62-3-801, et seq.). In an effort to assist you with the new process, a brief summary follows:

FORM: The creditor claims form (FORM 371ES) has been revised and is now a mandated form on white paper only. If your agency is a collection company, you will notice there is a place on the form for the original creditor's name. The form can be accessed from our website:

www.greenvillecounty.org/probate/Estate_Forms.asp.

FILING CLAIMS: Creditor claims cannot be filed prior to the appointment of a Personal Representative (PR), except when the Creditor is filing a formal action to be appointed PR pursuant to SCPC 62-3-804. If no PR has been appointed and we receive claims, we will return those claims to you. Please note most claims are barred if not filed within one year from date of death.

DISALLOWANCE/ALLOWANCE: The Personal Representative is required to allow or disallow a claim within 60 days from receipt or 14 months from date of death whichever is later. Please continue to file a Proof of Delivery (FORM 120PC) indicating that you have sent a copy of the claim to the Personal Representative. If your claim is allowed, it means that the PR believes your claim to be a legally valid claim. **New law does not define "Allowance" to include payment; therefore, "Allowance" does not mean that the estate will pay or has funds to pay the claim** (see FORM 372ES).

FRIENDLY REMINDERS:

WEBSITE: www.greenvillecounty.org/probaterearch Here, you can determine whether a PR has been appointed to avoid the research fee. We charge \$5 per name for each manual search by court staff. You may also confirm the filing of your claim. Creditors are now listed as interested parties in our system.

SUMMONS/PETITION: If your claim is disallowed, a Summons and Petition for Allowance and the \$150 filing fee must be filed within 30 days from the date the Disallowance is sent to you. You are strongly encouraged to seek an attorney's assistance.

CHANGE OF ADDRESS: After filing your claim, notify us ASAP of any address changes. We are unable to do research for forwarding mail.

Very truly yours,

Debora A. Faulkner
Probate Judge

DAF:sls