

DETERMINATION OF HEIRS

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Filing Fee: \$150.00

S. C. Code of Laws, Section 62-3-108

If a person has been DECEASED FOR MORE THAN 10 YEARS, unless requirements outlined in the S. C. Probate Code, Section 62-3-108, have been met, probate of an estate is not permitted.

For those who wish to establish a record at the Probate Court for chain of title purposes, proceed as follows:

- File Summons, Petition for Determination of Heirs, filing fee, and death certificate at Probate Court. Petition should allege all facts regarding who heirs were at time of death, what law was in effect at time of death [*include a copy of statute in effect at that time*], and why probate administration was not done prior to this time.
- Serve pleadings on all interested parties (heirs) and file proof of service.
- Respondents/Defendants will then have 30 days in which to file their response (Answer).

- After the above 30 days have passed or once the Answers have been filed, the hearing is to be set 120 days from the initial filing date. If all parties are in agreement to set the hearing earlier, the hearing can be set, keeping in mind that a 20-day notice of the hearing is required. (*Hearing cannot be waived.*)

- Following hearing, attorney will prepare an Order for the Probate Judge to sign. (If you wish to record the Order at the Office of Deeds, be sure to include necessary information, such as property description, derivation, complete names, etc., and a direction that the Office of Deeds record this Order.)

Once the Order is executed, the probate file will be closed.



Greenville County Probate Court
1200 Greenville County Square
301 University Ridge
Greenville, SC 29601
864/467-7179

www.greenvillecounty.org