



DEBORA FAULKNER
Probate Judge
Greenville County

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Edward M. Sauvain
Associate Probate Judge

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OPENING ESTATE

1. APPLICATION/PETITION

To begin informal administration of an estate, *complete and file* the Application/Petition (Form 300PC/blue) with the Probate Court in the county where the decedent was a permanent resident. **If you have not been contacted in 10 day's time of submitting your blue application, call your Judicial Assistant to arrange an appointment.** (If the Applicant/ Petitioner cannot have his/her signature notarized prior to the filing of the Petition, a notary is available at the Probate Court.) No hearing is required for informal probate and/or informal appointment.

For *formal* probate and/or *formal* appointment, the services of an attorney are recommended. This requires the filing of a Summons/Petition/fee followed by service on the interested parties. A hearing will then be set for presentation of testimony.

If a request for informal probate or appointment cannot be granted (because of certain legal requirements), we will inform you. You may then proceed formally.

2. PROBATE

Probate means the Will is admitted as valid under South Carolina law. Informal probate admits the will as valid on its face; that is, no proof of the validity is required. Formal probate requires a hearing to confirm the validity of the will. If a will has been admitted informally, formal proceedings may be initiated to contest that will or for the introduction of a new will. If the will has erasures, white-out, or other markings, the Court may require a formal probate proceeding. If the original will cannot be located but you have a copy, formal proceedings are required to admit the copy as if it were the original.

3. QUALIFICATION

Appointment of a Personal Representative is granted informally to a person who has priority under South Carolina law. Priority can result through the will, by law, by renunciation, or by termination. Any person with priority may nominate another. [A person without priority may only be appointed through formal proceedings. Following service of the formal Summons/Petition, a hearing will be scheduled to determine who is the appropriate person to administer the estate.]

4. FEES

Initial filing of death certificate and original will - \$10.00
Newspaper advertisement (due at 1st appointment) - \$46.00 *
(*subject to change)
Court cost - to be determined later (upon filing of inventory)
Copies - 25¢ per page
Probating an Estate on DVD - \$5.00

(Payment by check or money order preferred; make payable to Greenville County Treasurer.)

5. BOND

Bond is required: for appointment of a Special Administrator, appointment of a Personal Representative not named in the will (unless that person is the sole devisee), appointment of a Personal Representative of an intestate estate (unless that person is the sole heir), when a Personal Representative is expressly required by the will, and when bond is demanded by an interested person.

Bond may be waived if all heirs and devisees sign an agreement to that effect (see Form 302).

6. CERTIFICATES OF APPOINTMENT

Once all initial requirements are completed and filed (at or prior to your appointment with the assigned judicial assistant)

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- valid will (if there is a will; if not, estate is intestate)
- certified death certificate
- completed Application for Probate/Appointment (Form 300PC/blue)
- advertisement fee (\$46.00)
- fiduciary bond or bond waivers (if applicable)
- renunciations of right to administration (if applicable)
- agent for service (if PR is out-of-state resident)

proper Order[s], Fiduciary Letters, and Certificates of Appointment will be issued by the Probate Court. This indicates that the necessary steps have been taken to begin the administration of this estate.

Appointments are required. Direct all inquiries to your assigned judicial assistant. If s/he is unavailable when you telephone, leave a message on the Voice Mail. Include your name, telephone number, decedent's name, and case number.

Classes and assistance are available at the Probate Court (Suite 1200) for the following probate steps:

First Wednesday each month at 2:00 p.m.:

Completing the Application for Probate/Appointment (Form 300PC)

Second Wednesday each month at 2:00 p.m.:

Completing the Inventory and Appraisal (Form 350PC)

Third Wednesday each month at 2:00 p.m.:

Completing the closing documents and final accounting (Form 362PC)

**To sign up, contact Probate Court at (864) 467-7497
or email hmccoy@greenvillecounty.org**