

)
)
)
)
)
)
)

CASE NUMBER: _____

$$\left. \begin{array}{l}) \\) \\) \end{array} \right\}$$

)

))

* _____
Petitioner(s)
vs.
* _____
Respondent(s)

☐ PROBATE OF WILL
☐ APPOINTMENT

☐ TESTACY
☐ APPOINTMENT

***NOTE: IF THIS IS A FORMAL PROCEEDING, IN ADDITION TO THIS FORM PETITION, YOU MUST ALSO FILE A SUMMONS (FORM SCCA 401PC), AND PAY THE STATUTORY FILING FEE OF \$150.00. A HEARING IN THE PROBATE COURT ON THE PETITION MAY BE REQUIRED.**

1. Applicant/Petitioner(s): _____
 Address: _____
 Telephone (Work): _____
 (Home): _____
 (Cell): _____
 Email: _____
 Relationship to Decedent: _____

Full Legal Name
(including all known names): _____

Date of Birth: _____

Date of Death: _____

Age at Date of Death: _____

☐ Decedent was domiciled in this County at date of death:
Address: _____ County: _____ State: South Carolina.

☐ Decedent was **not** domiciled in **South Carolina**, but property of Decedent was located in this County at date of death at:
Address: _____ County: _____ State: South Carolina

☐ Decedent has a right to take legal action in this County because:

62-2-504, 62-3-102, 62-3-203, 62-3-301, 62-3-302, 62-3-303, 62-3-308, 62-3-311, 62-3-401, 62-3-402, 62-3-404, 62-3-409, 62-3-414, 62-3-601, 62-3-602, 62-3-704, 62-3-804, 44-22-100, 44-23-1120

4(a) Names and addresses of beneficiaries (devisees) named in the Will.

Full Legal Name (including all known names)	Year of Birth	Full Address	Email Address	Relationship to Decedent

☐ See attached for additional devisees (check if applicable).

4(b) Names and addresses of intestate heirs who are not devisees (persons who inherit if Decedent left no Will).

Full Legal Name (including all known names)	Year of Birth	Full Address	Email Address	Relationship to Decedent

☐ See attached for additional intestate heirs (check if applicable).

4(c) Did all of the above persons survive one hundred and twenty (120) hours since the death of Decedent?

☐ YES ☐ NO If no, please explain on page 4.

5. Did Decedent have any change of marital status or the birth or adoption of any children after execution of this Will, if one exists, or has any child of the Decedent been born since his/her death, or is any birth of a child of the Decedent anticipated? (This includes illegitimate children.)

☐ NO ☐ YES If yes, please explain, on page 4.

6. To the best of your knowledge, was the Decedent a patient in a non-private State of South Carolina mental health facility during his/her lifetime?

☐ NO ☐ YES If yes, please explain, on page 4.

7. Has a Guardian or Conservator ever been appointed by a Court for this person?

☐ NO ☐ YES If yes, please explain on page 4.

8. Has a Personal Representative of the Decedent been appointed prior to this date by a Court in this state or elsewhere?

☐ NO ☐ YES If yes, please state details, including name and address of such Personal Representative on page 4.

9. Have you received or are you aware of any Demands for Notice (FORM #111ES) of any probate or appointment proceeding concerning the Decedent that may have been filed in this state or elsewhere?

☐ NO ☐ YES If yes, please state details, including names and addresses on page 4.

10. Have more than ten (10) years passed since the Decedent's death?

☐ NO ☐ YES If yes, please state circumstances authorizing tardy probate on page 4.

11(a). Did the Decedent own probate real estate?

☐ NO ☐ YES If yes, an approximate value of \$ _____ (Note: A complete inventory of probate assets with fair market values is to be filed after Personal Representative is appointed.)

11(b). Did the Decedent own probate personal property?

☐ NO ☐ YES If yes, an approximate value of \$ _____ (Note: A complete inventory of probate assets with fair market values is to be filed after Personal Representative is appointed.)

11(c). Are you seeking appointment as Personal Representative in order to pursue civil litigation on behalf of the Decedent's estate? Is there a civil litigation attorney?

☐ NO ☐ YES If yes, please provide the name of the civil litigation attorney: _____

11(d). At the time of the Decedent's death, was he or she involved in any pending civil litigation? Is there a civil litigation attorney?

☐ NO ☐ YES If yes, please state the circumstances and name of the attorney on page 4.

11(e). If you answered NO to questions 11(a) – 11(d) above, but are seeking the appointment of a Personal Representative, please explain why the appointment is requested on page 4.

12. Have you made a diligent search for a Will of the Decedent?

☐ YES

☐ NO If no, please explain on page 4 below.

☐ No Will

II. IF A WILL EXISTS, PLEASE COMPLETE THIS SECTION.

1. Regarding the Decedent's Will:

☐ The original is attached.

☐ The original is in the Court's possession.

☐ An exemplified (authenticated) copy of a Will probated in another jurisdiction is attached.

☐ An exemplified (authenticated) copy of a Will not probated in another jurisdiction is attached.

☐ The original of the Will is lost, destroyed, or otherwise unavailable, however, a copy or a description of its contents is attached. (for formal proceeding, explain below or attach supplemental pleadings)

2. The execution date of the Will was: _____

Codicil(s): _____

3. Is there a memorandum that disposes of tangible personal property pursuant to 62-2-512?

☐ NO ☐ YES If yes, attach hereto.

4. To the best of your knowledge, do you believe the Will listed above is the Decedent's validly executed last Will?

☐ YES ☐ NO If no, please explain on page 4.

5. To the best of your knowledge, is any witness to the will an "interested witness" (i.e., does the will make any devise to a witness, a witness's spouse, or a witness's issue)?

☐ NO ☐ YES If yes, please explain on page 4.

COMPLETE EXPLANATION(S) FOR QUESTIONS IN SECTIONS I and II HERE.
(If more space is required, use additional sheets.)

III. IF APPLYING FOR INFORMAL OR FORMAL APPOINTMENT, PLEASE COMPLETE THE FOLLOWING.

1. If the Applicant/Petitioner is not the proposed Personal Representative(s), list name and address of the person you are proposing be appointed as the fiduciary:

2. Priority for appointment of the proposed Personal Representative (whether applicant or nominee) is:

- ☐ named as Primary Personal Representative in Will
☐ named as Alternate Personal Representative in Will
☐ nominee of Primary Personal Representative in Will
☐ nominee of Alternate Personal Representative in Will
☐ surviving spouse of Decedent who is devisee of Decedent or nominee of said spouse
☐ other devisee of Decedent (describe): _____ or nominee of said devisee
☐ surviving spouse of Decedent or nominee of said spouse
☐ other heir of Decedent (describe): _____ or nominee of said heir
☐ creditor (forty-five (45) days after death must have passed) or nominee of creditor; written statement of claim, FORM 371ES, is attached
☐ other (describe): _____

3. List below the name(s) of any other person(s), if any, having an equal or higher priority of appointment than the proposed Personal Representative:

IV. ALL APPLICANTS/PETITIONERS MUST COMPLETE VERIFICATION.

VERIFICATION

The undersigned, being sworn, states that the facts set forth in the foregoing statement are true to the best of the undersigned's knowledge, information and belief, and hereby submits to the Court's jurisdiction in this matter.

SWORN to before me this _____ day
of _____, 20 _____

_____ A

Notary Public for _____

My Commission Expires: _____

Signature of

Applicant/Petitioner: _____

Print Name: _____

SWORN to before me this _____ day

of _____ 20 _____

Notary Public for _____

My Commission Expires: _____

Signature of Co-

Applicant/Co-Petitioner: _____

Print Name: _____

ORDER OF INFORMAL PROBATE

IT IS HEREBY ORDERED that the above application for probate of a Will executed _____ and

☐ Codicil executed _____ and

☐ Memorandum

be informally ☐ GRANTED ☐ DENIED.

Executed this _____ day of _____ 20 ____.

☐ Chadwicke L. Groover, Probate Court Judge
☐ Caroline M. Horlbeck, Associate Probate Court Judge
☐ Elizabeth P. Wiygul, Associate Probate Court Judge

☐ For formal probate of Will, see separate order executed ____.

ORDER OF INFORMAL APPOINTMENT

IT IS HEREBY ORDERED that the above Application for Appointment be granted upon the filing of an appropriate bond, if applicable, and upon the signing of the Qualification and Statement of Acceptance of appointment.

Bond

- ☐ Fiduciary Bond in the amount of \$ _____
☐ Bond not required for Personal Representative nominated by Will
☐ Bond not required as Personal Representative is sole heir or sole devisee
☐ Bond not required as Personal Representative is state agency, bank, or trust company
☐ Bond waivers filed
☐ See order dated _____
☐ Other: _____

Notice to Creditors

- ☐ Required
☐ Not Required

Executed this _____ day of _____ 20 ____.

☐ Chadwicke L. Groover, Probate Court Judge
☐ Caroline M. Horlbeck, Associate Probate Court Judge
☐ Elizabeth P. Wiygul, Associate Probate Court Judge

☐ For formal appointment of Personal Representative, see separate order executed ____.

QUALIFICATION AND STATEMENT OF ACCEPTANCE

I accept this appointment and agree to perform the duties and discharge the trust of the office of Personal Representative of this estate. I further submit personally to the jurisdiction of the Court in any proceeding relating to the Estate.

Signature: _____

Print Name: _____

Address: _____

Telephone (Work): _____

(Home): _____

(Cell): _____

Email: _____

Signature: _____

Print Name: _____

Address: _____

Telephone (Work): _____

(Home): _____

(Cell): _____

Email: _____

*Attorney: _____

Address: _____

Telephone: _____

Email: _____

***By completing this information, attorney is designated as attorney of record for assisting Personal Representative until proper withdrawal.**