

FULL ESTATE CHECKLIST

PLEASE HAVE THE FOLLOWING DOCUMENTS

- _____ Original Will
- _____ Original Death Certificate
- _____ Obituary (Program/Printout from Funeral Home)
- _____ Deeds (House or Land)
- _____ Titles (Mobile Home, boats, vehicles, etc.)
- _____ Paid Funeral Bill or balance remaining (itemized & notarized)
- _____ Renunciation form(s)
- _____ Bank Statement

Court Cost (Decedent who has been deceased for less than one (1) year must post a Notice in the newspaper for creditors.)
Below are the costs, please pick one:

- _____ \$73.50 – Community Times
- _____ \$92.50 – Morning News

For a Decedent who has been deceased for more than one (1) year but less than ten (10) must have the documents listed above and the Court Cost is \$45.00.

NOTICE: IF THE DECEDENT HAS BEEN DECEASED FOR MORE THAN 10 YEARS AND THEY HAVE REAL PROPERTY, YOU MUST SEEK THE ADVICE OF AN ATTORNEY.



The Honorable Jesse S. Cartrette, Jr The Probate Court of Florence County

FLORENCE COUNTY PROBATE COURT
181 N. IRBY STREET, SUITE 1300
FLORENCE, SC 29501
Telephone: (843) 665-3085

Michelle E. Hackman
Associate Judge
Brittany S. Peay
Clerk of Court

We understand that this is a very sad and emotional time. We are committed to making the Probate process as easy on you and your family as we can.

You can download forms from South Carolina Judicial website: <https://www.sccourts.org/forms/searchType.cfm>

Our job is to help you report information and transfer assets correctly. **We cannot give legal advice.**

To begin the process, please complete the **Application for Informal Probate of Will /Appointment** which is attached. Please follow the checklist below for other **necessary documents**. Mail or drop off the **completed** documents to our office. We will review the documents and you will be contacted to schedule an opening appointment.

1. **Application for Probate of Will/Appointment** – you must fill out this form completely. You can type or handwritten in ink – **Your opening appointment cannot be scheduled until all information is provided.**
2. **Decedent's ORIGINAL Last Will and Testament and any and all ORIGINAL Codicils and Memorandums.**
3. **Certified copy of the Decedent's Death Certificate.**
4. **Copy of the Obituary OR Funeral Program which lists the surviving family members.** A Family Tree may be required to identify pre-deceased heirs and their children.
5. **Copy of the paid funeral bill and/or funeral bill showing the outstanding balance.**
6. **Copy of all Deeds for real property that the Decedent had an interest in.**
7. **Renunciation of Right to Administration and/or Nomination and /or Waiver of Bond, if applicable** - if the primary person named in the Will is not going to serve or if the person with priority in an estate without a will (intestate estate) is not going to serve, then these forms are required to be filed before an appointment can be scheduled.
8. **Waiver of Bond, if applicable** – If the Decedent did not have a Will, bond is required unless the intestate heirs agree to waive this requirement.
9. **Appointment of a Guardian ad Litem (GAL), if applicable** - If there are minor children who receive from an estate, a GAL may be required prior to the appointment of a Personal Representative. If the minor is 14 or over, they must consent to the appointment.
10. **A publication fee along with initial filing fee will be collected at your appointment. The amount due is listed on the Checklist attached to this packet**

Please be advised that an opening appointment usually lasts one hour and you must have all documents to schedule an appointment.

STATE OF SOUTH CAROLINA)
)
COUNTY OF: FLORENCE)
)
IN THE MATTER OF:)
)

(Decedent))

IN THE PROBATE COURT

CASE NUMBER: _____ ES-21 _____

***COMPLETE THIS SECTION ONLY IF FILING PETITION FOR FORMAL TESTACY AND/OR FORMAL APPOINTMENT**

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

APPLICATION FOR INFORMAL

(check any that apply)

- PROBATE OF WILL
 APPOINTMENT

***PETITION FOR FORMAL**

- TESTACY
 APPOINTMENT

If this is a formal filing, please explain on page 4 or attach pleadings pursuant to *SC Rules of Civil Procedure*.

***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.**

I. ALL APPLICANTS/PETITIONERS MUST COMPLETE THIS SECTION.

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

2. Decedent Information:

Full Legal Name
(including all known names): _____
Date of Birth: _____
Date of Death: _____
Age at Date of Death: _____

3. Venue for this proceeding is proper in this County because:

- Decedent was domiciled in this County at date of death:
Address: _____ County: Florence 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: _____

If the above address is the address of a nursing home, prison, or other residential facility, please give the last address of the Decedent prior to entering a facility: _____

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: _____

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: _____

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: _____

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

NO YES If yes, please explain: _____

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: _____

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: _____

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

NO YES If yes, please state circumstances authorizing tardy probate: _____

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 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 attorney: _____

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: _____

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

YES

NO If no, please explain: _____

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: _____

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: _____

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__

Signature of
Applicant/Petitioner: _____

Notary Public for South Carolina
My Commission Expires: _____

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

Signature of Co-
Applicant/Co-Petitioner: _____

Notary Public for South Carolina
My Commission Expires: _____

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__.

JESSE S. CARTRETTE, JR., 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__.

JESSE S. CARTRETTE, JR., 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.**

STATE OF SOUTH CAROLINA)
COUNTY OF FLORENCE)
IN THE MATTER OF _____)
(Decedent))
)

IN THE PROBATE COURT
AFFIDAVIT OF
PERSONAL REPRESENTATIVE
CASE NUMBER _____ - ES - 21 - _____

I, _____ understand and agree to the following:

1. I am required to keep the Court informed about any change of address, phone number or email address;
2. The assets and monies in the Estate are only to be used to pay the debts and obligations of the Estate in the proper order and priority;
3. I am to deposit the Decedent's monies into an Estate account;
4. I am not to use the Estate assets or monies for my personal debts or obligations;
5. I am not to use Estate assets or monies for the debts or obligations of any heirs or devisees;
6. I cannot sell tangible personal property owned by the decedent that has a value over \$10,000 without the authority to do so granted to me in the decedent's will or a court order giving me this specific authority;
7. I cannot sell real property owned by the decedent without the authority to do so granted to me in the Decedent's Will or a Court Order giving me this specific authority;
8. I must resolve the debts of the Estate before I make any distributions to the heirs or devisees of the Estate;
9. I understand that if a claim is filed against the claim, or within fourteen months after the death of the decedent, whichever is later, stating the claim has been allowed or disallowed in whole or in part; and
10. I will personally liable to any beneficiary or other person(s) having an interest in the Estate for any negligence and/or intentional misconduct in the performance of my duties as Personal Representative.
11. I hereby affirm all individual that are heirs and devisees of the estate are listed on the Application for Probate.
12. I understand that any violation of the above items can cause removal of being the PR and possible contempt of court and/or prosecution for violating my oath as PR of the Estate.

I am providing the Probate Court with written Agreements signed by all known beneficiaries and other persons having an interest in the Estate if Waiver of Bond or Renunciations of Right to Administration and/or Nomination and/or Waiver of Bond is required.

Executed this _____ day of _____, 20____

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

Signature: _____

Print Name: _____

Address: _____

Notary Public for South Carolina
My Commission Expires: _____

Telephone: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF FLORENCE)
)
IN THE MATTER OF:)
)
_____)
(Decedent))

IN THE PROBATE COURT

**RENUNCIATION OF RIGHT TO ADMINISTRATION
AND/OR NOMINATION AND/OR WAIVER OF BOND**

CASE NUMBER: ____-ES-21_____

By renouncing my right to serve as Personal Representative, I am informing the Court that I do not want to be the Personal Representative to administer the estate. **I am not giving up any interest in the estate or inheritance rights by signing this document.**

The undersigned hereby (check all that apply):

- renounces his/her right to serve as Personal Representative of the above-captioned estate.

- renounces his/her right to serve as Personal Representative of the above-captioned estate so long as the following nominee serves as Personal Representative:

Name: _____
Address: _____

- agrees to waive bond for the person(s) nominated above.

I understand this is effective only to the extent the law allows for nomination and waiver of bond.

Executed this ____ day of _____, 20__.

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

Notary Public for South Carolina
My commission expires: _____

Signature: _____
Print Name: _____
Address: _____

Telephone (Work): _____
(Home): _____
(Cell): _____
Email: _____
Relationship to Decedent/Estate: _____