

STATE OF SOUTH CAROLINA)

IN THE PROBATE COURT

COUNTY OF: Orangeburg)

IN THE MATTER OF:)
Name of Deceased Person)
(Decedent))

CASE NUMBER:)
(This number will be assigned by the court)

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

***** SAMPLE INSTRUCTIONS *****

PLEASE INCLUDE THE FOLLOWING

- Original Death Certificate
- Obituary or Funeral Program
- Court Cost of \$81.34 (Money Order or Cashier Check)
- Original Will if Applicable

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

APPLICATION FOR INFORMAL

(check any that apply)

***PETITION FOR FORMAL**

- PROBATE OF WILL
- APPOINTMENT

- 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): Name of person(s) applying to become Personal Representative
 Address: Address of person(s) applying to become Personal Representative
 Telephone (Work): Work Phone #
 (Home): Home Phone #
 (Cell): Cell Phone #:
 Email: Email Address
 Relationship to Decedent: Your relationship to the deceased person (Ex: Spouse, Son, Daughter)

2. Decedent Information:

Full Legal Name
(including all known names): Full name of the deceased person -- list any other names they also were known as (AKA)
 Date of Birth: Date of Birth of the Deceased Person
 Date of Death: Date of Death of the Deceased Person
 Age at Date of Death: Age of Deceased Person

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

- Decedent was domiciled in this County at date of death:
Address: The Residence of the Deceased Person **County:** 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: _____
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: Address before entering Nursing Home, Prison or Residential 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
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If no Will, write "N/A" in section 4A. If a Will exists, list person(s) to receive from the Will.

(List each persons' Name, Year of Birth, Full Address, Email and Relationship to the Decedent.)

Devisees: are the people or organizations named in the Will to receive property of whatever nature or kind.

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
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If no Will exists all heirs should be listed in 4b.

List all heirs not receiving from the Will in 4b.

Heirs are Spouse and Children (including legally adopted children). -- Including any deceased Children's children. List all deceased children and their children. (This would be children of deceased children ONLY.)

If no Spouse or Children then Parents, If no Parents then Brother(s) and Sister(s). if no Brother(s) and Sister(s) then, Grandparent(s), if deceased then Aunt(s) and Uncle(s) then Neice(s) and Nephew(s)

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 \$**Total Value of Real Estate (house, land, no movable mobile home etc.)**
 (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 \$**Total Value of Personal Property (car, clothes, mobile homes, boats, bank accounts, etc., everything except real estate.** (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 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.

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

1. Regarding the Decedent's Will:
- *** IF NO WILL – WRITE “N/A” IN THIS SECTION *****
Codicil – is an attached amendment to the original 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: **Date the Will Was Signed**
 Codicil(s): **Date the Codicil was Signed**
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.

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): **Relationship to the deceased person** 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: **Any other person(s) that has the right to serve as 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.

Signature MUST be NOTARIZED; if out of state please find a notary with a seal.

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

Signature of **Signature of person completing this form**
Applicant/Petitioner: _____

Notary Public for South Carolina
My Commission Expires: _____

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

Signature of Co- **Signature of second person completing**
Applicant/Co-Petitioner: **this form** _____

Notary Public for South Carolina
My Commission Expires: _____

******* DO NOT WRITE BELOW THIS LINE -- FOR COURT USE ONLY!!! *******

**

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 _____, 2_____.

, 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 _____, 2_____.

, 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: Signature of person completing this form
Print Name: Print Name of person completing this form
Address: Address of person completing this form
Telephone (Work): Work Phone Number (Optional)
(Home): Phone Number of person completing this form
(Cell): Phone Number of person completing this form
Email: Email of person completing this form

If there is a second Personal Representative, complete the second portion in the same manner as

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.**