

Probate Court



DALE ATKINSON
Probate Court Judge

THERESA A. DUGGAN
Associate Probate Judge

Sumter County
Sumter, South Carolina
29150

Room 107
Sumter Judicial Center
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Sumter, SC 29150
803.436.2166
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IT IS NECESSARY TO CONTACT THE PROBATE COURT AT 803-436-2166 TO MAKE AN APPOINTMENT TO BEGIN THE PROBATE PROCESS.

Enclosed is a description and basic instructions for many of the forms needed to probate an estate. Please note, Probate Court cannot give any legal advice in regards to an estate. Probate Court may help with BASIC procedural instructions. If the estate is complicated or as Personal Representative you need legal advice in regards to the estate, it is highly recommended an attorney be retained.

You may access most Probate Court forms on the South Carolina legislative website at www.sccourts.org/forms/index.cfm - select Probate Court under Search #1 – Forms by Court Type or you may go to the Sumter County Probate Court website – www.sumtercountysc.org, click on the link for Department and go to Probate Court.

Full Estate

An estate needs to be open if it meets one or more of the following criteria: If your estate does not meet the criteria below, an Affidavit of Collection of Personal Property (Small Estate) may be sufficient. (see last page for criteria for Small Estate)

- There is real property (land/house) in the deceased person's name.
- The deceased person had more than \$25,000.00 in assets at the time of death.
- There is or may be litigation. (Law suit or settlements)

Enclosed you will find your packet for opening an estate. You will need the following documents to initiate the estate process:

- The original (cannot be copy) Last Will and Testament (and Codicil – if any) (Mandatory if there is one)
- Application and Petition for Probate (Form 300ES) – THIS MUST BE COMPLETED BEFORE YOUR APPOINTMENT (Mandatory)
- Death Certificate (Mandatory)
- \$100.00 (Cash, Check or Money Order) (Mandatory)
- Renunciations (Form 302ES) if necessary
- Deeds to all Real Estate in the deceased person's name (You may obtain copies of deeds at the Register of Deeds office Room 202 in the old Courthouse building (141 North Main Street)

If the decedent did not leave a Last Will and Testament there may be additional forms necessary. Each probate estate is different so your circumstances will need to be determined on an individual basis by the Probate Court.

Upon completion of the Application for Appointment of Personal Representative (Form 300ES) you will need to call to make an appointment to bring in the application along with all other documentation listed on page 1.

Once an estate is opened and you have been appointed as Personal Representative, the estate must stay open a minimum of eight (8) months from the first publication of notice to creditors (See next page).

If a person has been deceased more than ten (10) years, the estate never went through probate, and the decedent owned real property, then a Summons and Petition for Determination of Heirs must be filed. Probate Court does not provide forms for a Summons and Petition in this matter, so it is upon strong recommendation of this court that the heirs contact an attorney for legal advisement.

Notice to Creditors

Upon approval of the documents a Notice to Creditors will be placed in *The Item* newspaper. This is required by South Carolina Code Ann. §62-3-801. The cost for this publication is \$66.00 and is included in the \$100.00 you pay when you open the estate. The Notice to Creditors is published in *The Item* newspaper every Tuesday and must be published for three successive weeks. Your first Notice to Creditors will be the first Tuesday it is printed and your eight months begins on this date. This does not apply to an estate if the decedent has been deceased more than one year.

Information to Heirs and Devisees (Form 305ES)

This form must be delivered by the Personal Representative to all heirs and devisees within **thirty (30) days** of appointment. This form is used to notify all persons with an interest in the estate of the name, address, and telephone number of the Personal Representative, as well as the date the Personal Representative was appointed. If there is a Will, a copy of the Will must also be provided. This is mandatory by South Carolina Code Ann. §62-3-705.

Proof of Delivery (Form 120ES)

This form must be filed within **thirty (30) days** of the appointment of the Personal Representative. This form must have all of the proper information completed including the date, the type of delivery and the names and addresses of all heirs and devisees that received a copy of the Information to Heirs and Devisees (form 305PC) and a copy of the Will, if one. The Personal Representative will also need to sign this form in the presence of a Notary Public. Please attach a copy of the Information to Heirs and Devisees that was delivered.

Inventory and Appraisal (Form 350ES)

This form must be completed and returned to the Probate Court within **ninety (90) days** of the appointment of the Personal Representative. (South Carolina Code Ann. §62-3-706). This form provides a summary of the assets in the deceased person's name at the time of death. Once

the Inventory is received by the Probate Court, the fees due to the court will be recalculated and an invoice will be sent to you for remainder of the Probate fees. The fee schedule is set by South Carolina Code Ann. §8-21-770 as follows:

Assets	Fees
\$0.00 - \$4,999	\$25.00
\$5,000 - \$19,999	\$45.00
\$20,000 - \$59,999	\$67.50
\$60,000 - \$99,999	\$95.00
\$100,000-\$599,999	\$95.00 + .0015 X over \$100,000 to \$600,000
\$600,000 - +	same as formula above plus .0025 for all amounts over \$600,000

Estate Notice fee is \$66.00

Renunciation (Form 302ES)

This form is used if there is not a Will and more than one person has an equal right to be appointed as Personal Representative of an estate and it is necessary for one or more of the heirs to renounce. This form may also be used if there is a Will and the primary Personal Representative in the Will does not wish to serve. Please contact the Probate Court for more information if you have additional questions about the proper succession of an intestate estate.

Criteria for Small Estate:

- No real property (land or house) in deceased person's name. (if property is Joint Tenants With Rights of Survivorship then the estate may possibly qualify for a small estate – please contact the court if you have more questions about this qualification)
- Assets are less than \$25,000 after full expenses.
- Must be at least 30 days since deceased has passed.
- If there are vehicles or mobile homes in the deceased person's name the court must have a registration or title. The DMV requires a Year, Make, Model and VIN# on paperwork.
- Paid receipt from Funeral Home.
- Death Certificate.

If you believe the estate qualifies for a Small Estate please contact the Probate Court to set up an appointment.

Please write legibly on all forms so there is no confusion or error made in the processing of information for the estate.

After the eight month Creditors claim period has passed, you may contact the Probate Court at 803-436-2167 to make an appointment to review the estate. It is mandatory you make an appointment if an estate is open for one year.

As Personal Representative of the estate, it is your responsibility to contact the Probate Court if you have a change of address or contact information.