



Judge Mary Blunt
Dorchester County Probate Court
5200 East Jim Bilton Blvd.
St. George, SC 29477
8:30 am – 5:00 pm

OPENING PROBATE WORKSHEET

All documents are included but ***not all are needed for every case***. If a document does not apply to your case, you may disregard it. We simply included all of them for your convenience. Your case may not require that all questions are answered. For example, if there are no vehicles, then simply write “N/A” in that section. Note: If you have an attorney **DO NOT** complete this worksheet.

CHECKLIST OF ITEMS AND DOCUMENTS REQUIRED TO START PROBATE (without an Attorney)

1. _____ **Original/Certified** copy of the Death Certificate.
2. _____ **Original** Last Will and Testament (if one exists) and all *original* Codicils or Memoranda.
3. _____ Copy of picture ID for the person(s) applying to administer estate. The copy should be attached.
4. _____ Completed Probate Worksheets (See Exhibit A & B). You should make a copy to keep prior to filing.
5. _____ Initial filing fee for a regular estate or probate of Will (only) is \$25.00. (See next page for small estate fees)
6. _____ Copy of Obituary or Funeral Home Program. A copy should be attached.
7. _____ Copy of all deeds/titles to real estate (land) owned by the decedent at the time of death.
8. _____ Copy of all titles for vehicles, mobile homes, boats, etc. owned by decedent at the time of death.
9. _____ Copy/Print out of the Kelley Blue Book (KBB) or NADA value for each of the above (#8) titled assets.
10. _____ Copy of all bank statements, stocks, bonds, retirement, etc. owned by decedent at the time of death.
11. _____ **Renunciation of Right to Administration and/or Nomination and/or Waiver of Bond** from all persons of equal priority to serve as Personal Representative (See Exhibit C- Form #302ES).
12. _____ **Waiver/Bond** (See Exhibit D- Form #344ES).
13. _____ **Appointment of Agent for Service of Process** (See Exhibit E- Form #344ES) Only if PR is out-of-state.
14. _____ Copy of the *itemized* funeral bill. A copy should be attached.
15. _____ Copy of the funeral bill *receipt* detailing how payment was made and by whom.

To begin the probate process, you **must** complete the worksheet, attach the necessary supporting documents, and either mail or drop off the documents at the Court. We do not make appointments or review the paperwork with you at the time of filing. The worksheet and supporting documents will be reviewed by an estate clerk within 24-48 hours. Once the estate clerk has reviewed the package, she will be in touch with you, **by mail**, to advise you on your next steps. Please do not call the Court for an update or to see if your documents were received.

*** NOTE: The Probate Court cannot give legal advice. Procedural questions will **not** be answered by phone. ***

Please accept our sincere condolences for your loss. We understand this is a very difficult and emotional time for you and we are committed to making the probate process as easy for you as possible. Below is some basic information regarding the probate process. The exhibits attached to this letter are very detailed but will provide us with the necessary information we need to fully access your case and start the probate process for your loved one. The completed worksheet is **mandatory** when starting any probate process unless you have retained an attorney. If you have attorney, that attorney should file all pleadings related to the estate.

DO I NEED TO FILE PROBATE?

1. **Regular Estate:** If decedent owned any real property (land) of any value (regardless of mortgage), or if he/she owned personal property (bank account, boat, car, mobile home, etc.) worth **more than \$25,000**. You must attach documentation of the probate assets and values (ex. deed/title, bank statement, mobile home title).
2. **Small Estate Affidavit:** If the total value of the decedent's assets is **less than \$25,000**, (with **no real property (land)** involved). You must attach documentation of the assets and values.
3. **Probate of Will (ONLY):** If decedent had a Will and NO probate assets/property.
4. **Estate for Legal Actions:** Even if your loved one **had no belongings**, an estate may need to be opened to take legal action (examples include medical malpractice cases, wrongful death cases).

If there is a Will, the Will should name who will be responsible for administering the estate (the "Personal Representative"). If there is no Will, South Carolina law determines who is "in line" to handle this responsibility. It is usually, but not always, the same as the person deemed next of kin to the deceased.

Having read this information, take a moment to answer the following questions. They will help you prepare and will direct you to the appropriate information below:

- I will be opening a Regular Estate Probate of Will (ONLY) or a Small Estate .
- Is there a Will? YES NO If yes, who is named Personal Representative? _____
- If there is no Will, who is/are the closest living relative(s) to the decedent? _____

WHEN SHOULD I BEGIN?

Many people are eager to start as soon as possible; others are not emotionally prepared to begin this process. We understand that every family differs and we do not set strict requirements as to when you must open the estate. Your answers to the first section above should guide you as to the appropriate time frame to begin the process.

- **A regular estate** is used because state law requires that anyone possessing a valid Will turn it over to the court within a reasonable amount of time. Any Will held longer than 10 years becomes invalid. Regardless of whether there was a Will, no estate may be opened more than 10 years after the decedent's death.
- The second type of estate, **the small estate**, applies only to those decedents who owned no real property, and whose entire assets are worth less than \$25,000. **A small estate cannot be filed until more than 30 days have passed from the date of death.**

<u>Value of Small Estate</u>	<u>Probate Fees</u>
➤ Under \$100.00	\$12.50
➤ \$100.00 - \$4,999.99	\$25.00
➤ \$5,000.00 - \$19,999.99	\$45.00
➤ \$20,000.00 - \$25,000.00	\$67.50

WHAT HAPPENS NEXT?

Please complete the worksheet to the best of your ability and either drop it off (you do not need an appointment) or mail it to the Court along with the appropriate documents and fees. If you live out of state, are unable to come into the Court for an opening seminar, or if you wish to complete estate paperwork without the assistance of our office, you are welcome to do so. You may contact an attorney of your choice for assistance. Please refer to the checklist for a list of required items for uncontested cases. Forms are available at www.sccourts.org/forms.

* * * * *

In conclusion, we hope that this has provided a basic introduction into the beginning of the probate process in Dorchester County. We look forward to assisting you with your loved one's estate. In the meantime, please know that our sympathy is with you and your family during this difficult time. Should you have questions, please visit our website at www.dorchestercountysc.gov.

EXHIBIT A - Vital Statistics Worksheet (Mandatory)

1. Provide the following information about yourself:

Your full name: _____ Your mailing address: _____

Your physical address (cannot be a P.O. Box): _____

Your relation to Decedent (person who died): _____ Your e-mail address*: _____

Your work number: _____ Your home number: _____ Your cell number: _____

***Please note that we use e-mail as much as possible to cut down on postage and long-distance charges.**

2. Please provide the following information about the Decedent:

Full name (including all known names): _____

Date of birth: _____ Date of death¹: _____ Age at death: _____

Mailing address: _____

3. Please answer the following questions about the Decedent:

- Was the Decedent a resident of a nursing home, prison, or other residential facility at the time of his/her death?
Yes No If you answered "yes," what was the last address of the Decedent prior to entering the facility?

- Were any children born to Decedent after his/her death? Yes No If so, give the name(s), address(es), and date(s) of birth of each child born **AFTER** Decedent died. (Note: The term "children" includes both children born in and out of wedlock.)

- Is it expected that any other children will be born to Decedent after his death? Yes No If so, please give details including, but not limited to, the name and address of the mother and estimated month of birth. (Note: The term "children" includes both children born in and out of wedlock.)

- Was the Decedent ever a patient in any non-private hospital or other facility operated by the S.C. Department of Mental Health? Yes No
- Has a guardian or conservator ever been appointed by a court for this person? Yes No

4. Has any Executor, Administrator, or any other type of Personal Representative been appointed for the estate of this Decedent in this or any other state or county? Yes No

If yes, please explain. _____

Are you seeking appointment as Personal Representative in order to pursue civil litigation on behalf of the Decedent's estate? Yes No Is there a civil litigation attorney? If yes, provide the name of the attorney: _____

5. To the best of your knowledge, has anyone filed a written "Demand for Notice," demanding that he/she/it be given notice of the appointment of a Personal Representative of this estate? Yes No

If yes, please explain, giving details, including but not limited to the names and addresses of the person(s) or entity(ies) making such demands and the court(s) in which the demand(s) is/are filed.

6. What is your best estimate of the value of the personal estate of the Decedent? _____

(See Exhibit B for a worksheet to help you make this preliminary estimate.)

7. What is your best estimate of the value of the Decedent's real estate (land)? _____

8. Did Decedent leave a Will? Yes No

If you answered "no" to Question 8, please answer the following questions and then skip to Question 19.

a. Have you made a thorough search for any Will and any Codicils of the Decedent? Yes No

If yes, after the completion of the search, do you have any reason to believe that there may be an unrevoked Will and/or Codicil of the Decedent that you have been unable to find? Yes No

If you do, please explain: _____

If you have not made a complete search, please do so before presenting this form to the Court. Some places you might look include places where Decedent kept important papers or personal effects, a safe deposit box, or at his/her attorney's office.

b. Does the Will refer to a Memorandum (list disposing of tangible personal property)? Yes No

If so, please file with the Court if one exists.

9. Did Decedent get married AFTER signing the Will? Yes No

¹ If the decedent died more than ten (10) years ago, you need to discuss this with an attorney before you complete the rest of this form as S.C. law prohibits the court from opening an estate for someone who has been dead for more than ten (10) years except in a few circumstances.

If so, give date of marriage and name of spouse: _____

10. **Did he/she have any marriage annulled, get a divorce, or was he/she a party to a valid proceeding concluded by an order purporting to terminate all marital property rights or confirming equitable distribution between spouses AFTER signing the Will?** Yes No If you answered "yes," give date of annulment /divorce/court order, name of spouse, and name and location of the court. Provide a copy of the Court Order.
- _____

11. (a) **Were any children born to Decedent AFTER signing the Will?** Yes No If so, give the name(s), address(es), and date(s) of birth of each child born **AFTER** the Will was signed. (Note: The term "children" includes both children born in and out of wedlock.)
- _____

(b) **Were any children legally adopted by Decedent AFTER signing the Will?** Yes No
If so, give the names, addresses, dates of birth, and dates of adoption of each child adopted **AFTER** the will was signed:

12. **Where is the Will?** _____

13. **Do you believe it is properly executed?** Yes No Please explain why/why not.
- _____

14. **Date on which Will was signed:** _____

15. **Regarding witnesses to the Will:**

- a. Was any witness to the Will named in the Will to receive something? Yes No

If yes, please explain: _____

- b. Was any witness the spouse or issue (child, grandchild, etc.) of someone named in the Will to receive something? Yes No

If yes, please explain: _____

16. **Are you aware of or do you have any reason to believe that there is any other instrument in existence which amends or revokes the Will?** (e.g., a later Will or a Codicil) Yes No

If so, please explain: _____

17. **Do you believe the Will to be the last Will and Testament of the Decedent?** Yes No

If not, please explain: _____

18. **If Decedent left a Will, list the names of all persons who are left property of any type in the Will.**

Name	Date of Birth (if minor)	Address	Relationship to Decedent

19. **Whether the decedent left a Will or not, list the information for the following persons, whether living or dead:** (1) *the decedent's spouse* (husband or wife); (2) *the decedent's children*; (3) *the children of any predeceased child of decedent* (if decedent was predeceased by a child who had child(ren) of his/her own prior to death, the predeceased child with his/her date of death should be provided as well as the information on the decedent's grandchildren born to that predeceased child) (4) *if the decedent left no surviving spouse, children, grandchildren, etc., then list decedent's parents who are living*; and (5) *if the decedent left no surviving spouse, children, grandchildren, or parent, then list the decedent's brothers or sisters* (of whole or half-blood). If any sibling has predeceased decedent, list that sibling's children.

Name	Date of Birth (if minor)	Address	Relationship to Decedent

20. **Other than those who predeceased the Decedent, did all individuals listed in Items 18 and 19 above survive the decedent for at least 120 hours (5 days)?** Yes No

If not, please explain: _____

EXHIBIT B - DORCHESTER COUNTY PROBATE COURT WORKSHEET

This worksheet must be completed BEFORE your opening seminar. If you need additional space, please attach additional sheets. (Remember, it may be necessary to call to reschedule the appointment if you have not completed the required forms.)

A. REAL ESTATE (IN STATE AND OUT OF STATE)* - Provide a copy of each deed. *For real estate held by joint tenants with right of survivorship, list in Section E.

Name(s) in which Property Held	Location of Property (Street, City, State)	# of Acres/Lots	# of Buildings	Tax Map Number	Your Estimated Value of Tract	Decedent's % of Ownership

CEMETERY PLOTS (Owned by decedent): _____

B. STOCKS, BONDS (in decedent's name alone or owned by decedent and someone who predeceased decedent) * - bring photocopies of all stocks and bonds. *If Decedent owned stocks or bonds jointly with a right of survivorship, please use Section E.

Names in Which Stock/Bond Held	Description (Company or Series)	Face Amount	Appraised Value on Date of Death	Decedent's % Contribution

C. CASH, BANK ACCOUNTS*, NOTES (BEING PAID TO DECEDENT) *For joint bank accounts with right of survivorship², list in Section E below unless joint owner predeceased this decedent.

- Cash on hand at the time of death? Yes No If yes, amount: \$ _____
- Uncashed/undeposited paycheck? Yes No If yes, amount: \$ _____
From: _____ Payable to: _____
- Refund checks? Yes No If yes, amount: \$ _____
From: _____ Payable to: _____
From: _____ Payable to: _____
- Mortgage due to decedent? (someone paying decedent) Yes No If yes, amount: \$ _____
From: _____ Payable to: _____
- Inheritance to be received by decedent? Yes No If yes, please explain: _____
- Bank account(s), Certificates of Deposit (CDs), etc. in decedent's name only (or in name of decedent and someone who died before decedent):

Exact Name(s) on Account	Type of Account & # (ex. checking, savings)	Bank/Company Name	Amount	Value of Decedent's Interest

- Other (include any benefit checks or other checks or instruments payable to decedent): _____

D. PART 1 – INSURANCE PAYABLE TO THE ESTATE (or payable to a beneficiary who died before decedent):

Beneficiary Name	Company Name & Policy #	Value

² An account is presumed to be a right-of-survivorship asset if it is (1) in the name of the decedent "OR" another person; or (2) owned by the decedent and another person as "joint tenants with right of survivorship" or "JTROS;" or (3) is owned by a husband and wife. Presumptions may be overcome by clear and convincing evidence.

PART 2 – INSURANCE PAYABLE TO A LIVING BENEFICIARY

Beneficiary Name	Company Name & Policy #	Value

E. JOINTLY OWNED PROPERTY (WITH RIGHT OF SURVIVORSHIP)

- Jointly Owned *Bank Accounts*, Etc. (with Right of Survivorship).

Exact Names on Account	Type of Account (ex. checking, savings)	Bank/Company Name	Amount	Value of Decedent's Interest

- Jointly Owned *Real Estate* (with Right of Survivorship) ³ Provide a copy of each deed.

Name(s) in Which Property Held	Location of Property (Street, City, State)	# of Acres/Lots	# of Buildings	Tax Map #	Estimated Value	Decedent's % of Ownership

- Jointly Owned *Stocks and Bonds*

Names in Which Stock/Bond Held	Description (Company or Series)	Face Amount	Appraised Value on Date of Death	Decedent's % Contribution

- Household Goods/Furnishings/Other Personal Property *if Decedent Died after June 24, 2010 and Left Surviving Spouse.*⁴ If decedent died before June 24, 2010 and/or did not leave a surviving spouse, list household goods/furnishings in Section F below: _____

- Other Jointly Owned Property (vehicles, etc.): _____

- Any Jointly Owned Property owned with a former spouse: _____

F. MISCELLANEOUS TANGIBLE PERSONAL PROPERTY

- Household Goods & Furnishings (if decedent died prior to 6/24/10 and/or left no surviving spouse) – include brief description and approximate value: _____

	Exact Name on Title	Year/Model	VIN, if applicable	Value
<i>Vehicles</i>				
<i>Boats/Motors/Trailers</i>				
<i>Mobile Homes</i>				
<i>Farm Equipment</i>				

³ For real property to be joint with right of survivorship, the deed must have survivorship language, e.g., “to John Doe and Jane Doe and then to the survivor of the two of them.” A deed to “John Doe and Jane Doe and their heirs and assigns forever” is NOT joint with survivorship and should be listed in Section A above.

⁴ For individuals with a date of death after June 24, 2010 who die leave a surviving spouse, State law now presumes that tangible personal property in the joint possession or control of the decedent and surviving spouse at the time of decedent’s death is owned by decedent and surviving spouse as joint tenants with right of survivorship unless ownership is evidenced otherwise. Exceptions: tangible personal property acquired by either spouse before marriage, acquired by either spouse by gift or inheritance during marriage; used by decedent in trade or business in which surviving spouse has no interest; held for another; or devised in a written statement or list disposing of tangible personal property. This presumption may be overcome by a preponderance of the evidence. For more information, see S.C. Code Ann. § 62-2-805.

	Description	Value
Business Owned		
Jewelry (of value)		
Collectibles		
Other (list)		

G. TRANSFERS DURING DECEDENT'S LIFETIME List here any of the following types of transfers that Decedent made during his lifetime:

- (1) Any substantial gift made within the last 3 years;
- (2) Any trust which will pay benefits to another after Decedent's death;
- (3) Any transfer in which Decedent transferred the real estate to another but retained a *life estate*;
- (4) Bank accounts, U.S. Government or corporate stocks or bonds that were in the name of the Decedent but are Payable on Death (or "P.O.D.") to another; or
- (5) Any other transfer which decedent made that was not intended to take effect until his death.

Description of Asset	Transferree(s)/Beneficiary(ies)	Value

H. POWERS OF APPOINTMENT List here any real or personal property over which Decedent held a Power of Appointment. A "power of appointment" is the power to sell, mortgage, encumber, or otherwise exercise rights of ownership over some asset which is the property of another.⁵

- Did Decedent hold a Power of Appointment given by another? _____
If yes, bring a copy of the document creating the Power.
- Did Decedent hold any of the following titles at the time of death?
Guardian (court appointed)? Yes No If yes, for whom? _____
Custodian? Yes No If yes, for whom? _____
Conservator? Yes No If yes, for whom? _____
Trustee? Yes No If yes, for whom? _____
Estate Representative? Yes No If yes, for whom? _____
Other? (specify) _____ Yes No If yes, for whom? _____

I. ANNUITIES AND RETIREMENT ACCOUNTS PAYABLE TO ESTATE (You must list any owned by decedent and payable to estate)

	Beneficiary Name	Company Name	Value
IRA:			
Pension:			
401(k):			
Other:			

J. ENCUMBRANCES (Mortgages, Liens, Judgments, etc.) (House, Land, Auto, etc.)

Company Name/Lienholder	Description/Asset(s) Encumbered	Balance Due

⁵ For example, if John Doe leaves his home to his wife Mary for life (a "life estate"), and at her death the property goes to their daughter Susan, but authorizes Mary to sell or mortgage the property during the lifetime if she believes it's necessary, then the power to sell or mortgage the property is a power of appointment since Mary only owns a life estate in the property and the property is actually the property of daughter Susan.

STATE OF SOUTH CAROLINA) IN THE PROBATE COURT
)
 COUNTY OF DORCHESTER) **RENUNCIATION OF RIGHT TO ADMINISTRATION**
) **AND/OR NOMINATION AND/OR WAIVER OF BOND**
)
 IN THE MATTER OF:)
) CASE NUMBER: _____
)
 _____)
 (Decedent))

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: _____

STATE OF SOUTH CAROLINA) IN THE PROBATE COURT
)
 COUNTY OF DORCHESTER) **WAIVER OF BOND**
)
 IN THE MATTER OF:) CASE NUMBER: _____
)
 _____)
 (Decedent)

The undersigned states as follows:

- I am the Proposed Personal Representative as well as an
 - Heir or beneficiary of the Estate;
 - Interested party other than a creditor of the Estate;

and, as such, I require no bond.

- I am an
 - Heir or beneficiary of the Estate;
 - Interested party other than a creditor of the Estate;

and I hereby request that the Court:

- waive bond
- for any person appointed to administer this Estate
- for _____
 (name of proposed Personal Representative)

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 (Work): _____
 (Home): _____
 (Cell): _____
 Email: _____

Relationship to Decedent/Estate: _____

[Only for Personal Representatives who reside out-of-state]

STATE OF SOUTH CAROLINA)	IN THE PROBATE COURT
)	
COUNTY OF: DORCHESTER)	APPOINTMENT OF AGENT FOR SERVICE OF PROCESS
)	
IN THE MATTER OF:)	CASE NUMBER: _____
_____)	
(Decedent)		

The undersigned hereby appoints the below-named person who is a resident of the State of South Carolina as his/her agent upon whom may be served all original or other lawful process in any action at law or equity related to the above estate.

The undersigned agrees that process served upon the agent herein appointed shall be of the same force and effect as if duly served upon the undersigned within the State of South Carolina.

Print Agent Name: _____
 Address: _____

 Telephone (Work): _____
 (Home): _____
 (Cell): _____
 E-mail: _____

Executed this ____ day of _____, 20____.

Proposed/Personal Representative Signature: _____
 Print Name: _____
 Address: _____

 Telephone (Work): _____
 (Home): _____
 (Cell): _____
 E-mail: _____

ACCEPTANCE

I accept the above appointment as Agent on this the ____ day of _____, 20____.

Agent's Signature: _____
 Print Name: _____

*Witness Signature: _____
 Print Name: _____

*The Personal Representative is not allowed to serve as the witness.