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| STATE OF SOUTH CAROLINA | ) | IN THE PROBATE COURT |
|  | ) |  |
| COUNTY OF: CALHOUN | ) |  |
|  | ) |  |
| IN THE MATTER OF: | )  ) | CASE NUMBER: |
| (Decedent) | ) |  |
| **\*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) | \*PETITION FOR FORMAL |

PROBATE OF WILL  TESTACY

APPOINTMENT  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: |  |

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

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:

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

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

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| --- | --- |
| 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.

1. 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.

1. 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.

1. 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.

1. 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.

1. 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.

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| 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 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:

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)

1. 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.

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| (If more space is required, use additional sheets.) |

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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):

1. 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:

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| ­­­­­­­­­­­­­­­ |

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 | | | Signature of Applicant/Petitioner: |  |
| of      , 20 | | | | |  | |  | |
|  | | |  | | | |  |
|  | | | | | | | | |
| Notary Public for South Carolina | | | | |  | | |
| My Commission Expires: |  | | | | | | |
|  | | | | | | | |
| SWORN to before me this | |  | | | day | | | Signature of Co-Applicant/Co-Petitioner: |  |
| of      . 20 | | | | |  | |  | |
|  | | |  | | | |  |
|  | | | | | | | | |
| Notary Public for South Carolina | | | | |  | | |
| My Commission Expires: |  | | | | | | |
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**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     . |

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|  |
| Kathy Strickland Brown, Probate Court Judge | |

For formal probate of Will, see separate order executed      .

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# 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 Notice to Creditors

Fiduciary Bond in the amount of $       Required

Bond not required for Personal Representative nominated by Will  Not Required

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:

|  |
| --- |
| Executed this       day of      , 2     . |

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|  |
| Kathy Strickland Brown, Probate Court Judge | |

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

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**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.

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| --- | --- | --- |
|  | Signature: |  |
|  | Print Name: |  |
|  | Address: |  |
|  |  |  |
|  | Telephone (Work): |  |
|  | (Home): |  |
|  | (Cell): |  |
|  | Email: |  |
|  |  |  |
|  | Signature: |  |
|  | Print Name: |  |
|  | Address: |  |
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|  | \*Attorney: |  |
|  | Address: |  |
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|  | Telephone: |  |
|  | Email: |  |

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