

HORRY COUNTY PROBATE COURT
HORRY COUNTY GOVERNMENT AND JUSTICE CENTER
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www.horrycountysc.gov/probatecourt

R. Allen Beverly Jr., Judge of Probate
Charles R. Rhodes Jr., Chief Associate Judge
Angela D. Harrison, Associate Judge



NEW ESTATE OPENING PACKET
FULL ESTATE ADMINISTRATION

All of us at Horry County Probate Court extend our condolences for the loss of your loved one and understand that this is a difficult time for you and your family. We are committed to making the probate process as simple and easy as we can.

The job of the Probate Court is to handle the administration of estates (property owned by the Decedent), and distribution of estate assets to heirs and devisees (persons/organizations designated to inherit in the Decedent's Will). **THE PROBATE COURT CANNOT PROVIDE LEGAL ADVICE. WE STRONGLY ENCOURAGE YOU TO SEEK THE ADVICE OF A LICENSED SOUTH CAROLINA ATTORNEY TO ADVISE YOU ON ALL LEGAL ISSUES RELATED TO ADMINISTRATION OF AN ESTATE.**

This packet is for estates in which the Decedent owned:

- Real Property (land) **or**
- Personal Property valued at more than \$25,000.00 after taking into account any liens or encumbrances on the personal property (even if the Decedent did not own real property)

If the Decedent did not own real property and the personal property is valued at less than \$25,000.00 (when liens and encumbrances are accounted for), you can take advantage of a small estate process. See [Small Estate Packet](#).

You can obtain copies of forms on our website at <https://www.horrycountysc.gov/departments/probate-court/forms/>.

You can open an estate in-person (by appointment only) or by completing the forms and mailing them to our office with all required documentation and appropriate fees.

Prior to scheduling an appointment to open a new estate, you must complete and return the appropriate forms and mail or deliver them to our office with all required documentation and appropriate fees. We will review the documents and call you within 72 hours to schedule an appointment.

Submit the following to Our Office:

1. Completed Form 300ES – Application for Informal Probate and Appointment. See Instructions for Completing Form 300ES. Please note this document must be signed by the Applicant in front of a notary.
2. Affidavit of Personal Representative: This document must be signed in the presence of a notary.
3. **Original** Last Will and Testament (if any) and any and all **original** Codicils and Memoranda.
4. **Certified Copy** of Decedent's Death Certificate.
5. **Probate Court Worksheet**: This worksheet helps us determine what assets you will need to transfer during the probate process and will assist you in collecting, valuing, and managing the Decedent's assets.
6. Copy of the **obituary** or **funeral program** that lists surviving and any predeceased family members. A Family Tree may be required to identify predeceased heirs and their children or grandchildren.
7. Copy of **paid funeral bill** or **funeral bill showing outstanding balance** along with an **Affidavit of Funeral Expenses**.
8. Copy of all deeds for real property in which the Decedent had an interest.
9. **Memorandum of Trust**, **Certificate of Trust**, or **Trust Agreement** for any trust that is a beneficiary of Decedent's Estate to confirm proper trustee designation.
10. **Renunciations of Right to Administration and/or Nominations and/or Waivers of Bond, if applicable**: If the proposed Personal Representative is not the person with priority to serve as Personal Representative (i.e. the person named to serve as Personal Representative in the Will or according to the priority statute if there is no Will), then all persons with equal or greater priority to serve as Personal Representative must complete these forms. These forms must be completed prior to appointment of a Personal Representative.
11. **Waiver of Bond, if applicable**: If the Decedent did not have a Will and owned personal property, bond for the PR is required unless all heirs agree to waive this requirement. Please note that if any minor children are intestate heirs, a Guardian *ad Litem* may have to be appointed to waive the requirement for bond on behalf of those heirs.
12. **Appointment of a Guardian ad Litem (GAL), if applicable**. If there are minor children who will inherit from the estate, a GAL may be required prior to the appointment of a Personal Representative. If the minor is over the age of fourteen (14), the minor must consent to the appointment.
13. **Filing Fee**: The initial filing fee is \$25.00, which can be paid by check or money order made payable to Horry County Probate Court. Additionally, if the estate is being opened within one (1) year after death, an advertising fee will be due based on the paper in which the notice is being published:

<u>NEWSPAPER PUBLICATION FEES</u>		
Publication	Notice to Creditors	Will Filed Only
The Horry Independent	\$50.00	\$25.00
The Loris Scene	\$50.00	\$25.00
The Loris Times	\$20.00	\$20.00
The North Myrtle Beach Times	\$20.00	\$20.00
The Sun News	\$55.00	varies*
The Tabor-Loris Tribune	\$30.00	\$30.00
* \$40.00 flat charge <u>plus</u> \$4.35 per line per day (3 days needed)		

The advertising fee can be paid by check or money order made payable to Horry County Probate Court (you can submit one check or money order for the initial filing fee and advertising fee).

Preparing for your Appointment

Your initial appointment will be scheduled with a judicial assistant and will last approximately one (1) hour. Prior to your appointment, review the Estate Administration 101 Document on our website. If we determine after review of your initial intake packet that we need any additional documents or information, we will contact you and you **must** bring those documents to your initial meeting. Failure to do so may result in your appointment having to be rescheduled.

Documents to Bring to Your Initial Appointment

- Your Driver's License or state identification card.
- Any additional documents or information the judicial assistant requested after review of your initial intake packet.
- Death Certificate(s) and or obituary for any heirs who predeceased the Decedent or passed away after the Decedent and for any deceased person with higher or equal priority to serve as Personal Representative.
- While not necessary, if these documents are readily available to you, it may be helpful to have
 - o Copies of the most recent bank statement for all bank, investment, retirement, or other financial account(s) in which Decedent had an interest.
 - o Titles for any boats, vehicles, RVs, trailers, farm equipment, or other personal property
 - o Documents evidencing any encumbrances on Decedent's real or personal property (i.e. mortgages, liens, judgments, etc.)