

STATE OF SOUTH CAROLINA)
)
COUNTY OF: _____)
)
IN THE MATTER OF: _____)
)

IN THE PROBATE COURT

CASE NUMBER: _____

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

* _____
Petitioner
vs.
* _____
* _____
* _____
Respondent(s) (if applicable)

APPLICATION FOR

(check any that apply)

INFORMAL

- PROBATE OF WILL
 APPOINTMENT

***PETITION FOR**

FORMAL

- TESTACY
 APPOINTMENT

Applicant/Petitioner: _____
Address: _____
Telephone: _____

I. ALL APPLICANTS/PETITIONERS MUST COMPLETE THIS SECTION.

1. Give your relationship to the decedent, if any, and your interest in this proceeding.

2. Decedent Information

Name: _____
Last Four Digits of Social Security Number: XXX-XX-_____
Date of Birth: _____
Date of Death: _____
Age at date of death: _____
Domicile at date of death: _____
(county) (state)

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

- Decedent was domiciled in this county at date of death.
 Decedent was not domiciled in South Carolina, but property of Decedent was located in this county at date of death.
 Decedent has a right to take legal action in this county because:

4.a. Names and addresses of devisees in the Will including dates of birth of minors. If there are no minors, so state.

| Name | Date of Birth | Address | Relationship to Decedent |
|-------|---------------|---------|--------------------------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

(use additional sheet if necessary)

4.b. Names and addresses of intestate heirs who are not devisees, including dates of birth of minors. If there are no minors, so state. Intestate heirs are the persons who would inherit if the decedent left no Will.

| Name | Date of Birth | Address | Relationship to Decedent |
|-------|---------------|---------|--------------------------|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

(use additional sheet if necessary)

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 death, or is any birth of a child of the decedent anticipated? (This includes illegitimate children.)

NO YES If yes, please explain, on page 3.

6. To the best of your knowledge, was the decedent a patient in a South Carolina Mental Health facility during his/her lifetime?

NO YES If yes, please explain, on page 3.

7. Has a Guardian or Conservator ever been appointed for this person?

NO YES If yes, please explain on page 3.

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 3.

9. Have you received or are you aware of any demands for notice 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 3.

10. Have more than ten years passed since the decedent's death?

NO YES If yes, please state circumstances authorizing tardy probate on page 3.

11. The decedent died with a personal estate of about the value of _____ and real estate of about the value of _____. (A full inventory and appraisal, Form #350PC, must be filed within 90 days.) If decedent was non-resident, please attach South Carolina Commission form ET 101.

12. After the exercise of reasonable diligence, are you aware of any unrevoked Will and/or Codicil(s), other than the one(s) attached hereto, relating to property in this State?

NO YES If yes, please explain on page 3 and then proceed to Section II.

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 authenticated copy of a Will probated in another jurisdiction is attached
- An authenticated copy of a Will not probated in another jurisdiction is attached
- The Will is lost, destroyed, or otherwise unavailable, however, a description of its contents is attached

2. Do you believe, to the best of your knowledge, the Will described above was validly executed?

Yes NO If no, please explain on page 3.

3. The date of execution of the Will was: _____
Codicil(s): _____

4. Are you aware of any instrument or document amending or revoking the Will?

NO YES If yes, please explain on page 3.

5. Have you exercised reasonable diligence to determine there is no instrument or document revoking the Will?

YES NO If no, please explain on page 3.

6. Do you believe the Will defined in "1" above is the decedent's last Will?

YES NO If no, please explain on page 3.

COMPLETE EXPLANATION (S) FOR QUESTIONS IN SECTIONS I and II HERE.
(If more space is required, use additional sheet.)

III. IF APPLYING FOR INFORMAL OR FORMAL APPOINTMENT, PLEASE COMPLETE THE FOLLOWING.

1. The name(s) and address(es) of the proposed Personal Representative(s) is/are:

2. Priority for this appointment is:

- named as Primary Personal Representative in Will
- named as Alternate Personal Representative in Will
- nominee of above Primary Personal Representative in Will
- nominee of above 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): _____
- creditor (Forty-five days after death must have passed), or nominee of creditor
- other (describe): _____

3. List below the names of any other persons, if any, having a prior or equal right of appointment (see priority above).

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 of _____, 20 _____

Signature: _____
Name: _____
Address: _____

Notary Public for South Carolina
My Commission Expires: _____

E-mail: _____
Telephone (O): _____
(H): _____

Signature: _____
Name: _____
Address: _____

E-mail: _____
Telephone (O): _____
(H): _____

ORDER OF INFORMAL PROBATE

IT IS HEREBY ORDERED that the above application for probate of a will be GRANTED DENIED informally this _____ day of _____, 20 _____.

_____, Probate Court Judge

ORDER OF FORMAL TESTACY

On hearing of the above Petition, this Court finds that the person is deceased, venue is proper, and the proceeding was commenced within appropriate time limits.

The Court further finds that

the decedent died intestate. The heirs are:

the decedent died testate. IT IS HEREBY ORDERED that the Last Will and Testament of the above-named decedent, dated _____, 20__ be admitted formally to probate.

Executed this _____ day of _____, 20_____.

_____, Probate Court Judge

SEE ATTACHED ORDER

ORDER OF APPOINTMENT

IT IS HEREBY ORDERED that the above Application/Petition for appointment be granted upon the filing of a bond as appropriate, qualification, and acceptance.

Executed this _____ day of _____, 20_____.

_____, Probate Court Judge

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.

Signature: _____

Name: _____

Address: _____

E-mail: _____

Telephone (O): _____

(H): _____

Signature: _____

Name: _____

Address: _____

E-mail: _____

Telephone (O): _____

(H): _____

Attorney: _____

Address: _____

E-mail: _____

Telephone (O): _____