



## **RICHLAND COUNTY PROBATE COURT**

**AMY W. McCULLOCH**  
Judge of Probate

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**JAQUELINE D. BELTON**  
Associate Judge of Probate  
**NANCY M. MOODY**  
Associate Judge of Probate

### **PROCEDURES ON OPENING ESTATES**

#### **1. APPLICATION/PETITION**

To begin administration of an estate, an application or petition must be filed with the Probate Court in the county where the decedent was a permanent resident. Both the application (informal proceedings) and the petition (formal proceedings) are on one form, FORM 300PC. Form 300PC is available on the website or the Probate Court can mail or email you the form.

Informal proceedings (probate or appointments) do not require a hearing. Formal proceedings (probate or appointments) are conducted before a judge with notice to interested persons. If formal proceedings are requested, the services of an attorney are needed. Sometimes, because of the legal requirements, your request for informal appointment or informal probate of a Will cannot be granted.

#### **2. PROBATE**

If the decedent left a will, you must request that the Will be admitted for probate on the application/petition. An Order Admitting the Will for Probate means that the Will is a valid Will under South Carolina law and is therefore recognized as the Last Will and Testament of the decedent. If you request informal probate, the Will must be valid on its face. That means that you are presenting the original Will that was signed by the decedent and witnessed by two (2) people. If you request formal probate, a hearing will be scheduled to hear testimony regarding the validity of the Will. If one Will has been admitted informally, formal proceedings to contest that Will or introduce a newer Will must be filed. \*Again, FORM 300PC.

### 3. **APPOINTMENT**

Whether or not the decedent left a will, if someone is to administer the estate of a Richland County resident, an appointment must be requested. Appointment can be granted informally to a person who has priority under South Carolina law. Priority can result through the Will, waiver or by law. However, a person without priority can only be appointed in formal proceedings. You may request formal appointment by petition. As with formal probate, a hearing will be scheduled where testimony would be presented on why the person requesting appointment is the proper person to be appointed to administer this estate. The person who is appointed by the Court is called the Personal Representative even if the Will calls him or her the executor or executrix.

### 4. **FORM 300PC**

Since all of the information on FORM 300PC is required, please read it carefully and fill in completely to the best of your knowledge, including dates of birth for minor children and addresses of devisees and heirs at law. **PLEASE NOTE** that "Unknown" is not a satisfactory answer. If the applicant/petitioner cannot have his/her signature notarized prior to their appointment, then a member of the staff is available to notarize their signature.

### 5. **DEATH CERTIFICATE**

A certified copy of the Decedent's Death Certificate must be filed with the Court. If the decedent passed away in another county but maintained their residency in Richland County, an Affidavit of Domicile will need to be filed with the Application/Petition for Probate.

### 6. **FILING FEE**

A filing fee is required. The fee may be reduced or increased at a later time when the Inventory and Appraisement is filed. FORM 350PC. The minimum fee to open an estate is \$45.00, payable to the Richland County Treasurer. We must also collect a \$50.00 advertising fee that is payable to the Richland County Probate Court. These fees will be collected at the time of your appointment.

### 7. **BOND**

The Personal Representative may be required to be bonded, if the decedent left no Will or at the request of the heirs or beneficiaries.

## **8. QUALIFICATION**

Once all the requirements have been met – FORM 300PC filed, hearing held (if formal proceedings), bond obtained, filing fee paid, any required notifications made – Order(s) will be issued. The person appointed to serve as Personal Representative must sign the Qualification and Statement of Acceptance. Letters of Administration and Certificates of Appointment are then issued. The Certificates of Appointment are what you will need to provide to various entities to allow you to act on the decedent's behalf. The Probate Court will initially provide you with three (3) Certificates of Appointment unless you request additional. Additional Certificates of Appointments can be requested by the Personal Representative as long as the estate is open.

## **9. TAX IDENTIFICATION NUMBER**

You will be required to obtain a tax identification number when opening an estate account. Tax identification numbers are issued by the IRS. You may apply for a tax identification number online at [IRS.gov](https://www.irs.gov).