

BASIC INFORMATION THAT MAY BE NEEDED TO OPEN AN ESTATE

1. An Application for Informal - Probate of Will and/or Appointment **OR** Petition for Formal - Testacy and/or Appointment (**Form 300ES**), must be completed and filed with the Probate Court, indicating if you are seeking appointment as Personal Representative for an Informal or Formal Appointment. If there is no Will, all interested parties must agree and sign a Renunciation of Right to Administration and/or Nomination and/or Waiver of Bond (**Form 302ES**) renouncing your right to serve as Personal Representative and/or nominating the person you wish to serve as Personal Representative and/or waiver of bond. **You may go to this website to complete the appropriate forms <https://www.sccourts.org/forms/searchType.cfm>, save these documents, and return for our review to mcprobate@gmail.com. We will review them and suggest areas that may need to be corrected prior to you bringing it completed and ready to be presented to us for you to sign and we will notarize it when we witness your signature.** If all interested parties do not agree who they wish to serve as Personal Representative a Petition for Formal Appointment will have to be filed with the Probate Court. **You should seek legal advice for the formal procedure and a \$150.00 filing fee is due at the time the Petition for Formal Appointment is filed with the Probate Court, along with a Summons and Notice of Hearing.**
2. If the person that died left a **WILL**, bring the **original** to the Probate Court.
3. Bring an **original DEATH CERTIFICATE** - **not a faxed copy**, also a copy of the contract (paid funeral bill) from the funeral home showing who paid and how much they paid. If the funeral bill is not paid, bring what you have showing the balance owed.
4. If you do not have the form 300ES, Application for appointment you should bring a list of NAMES, ADDRESSES and YEAR OF BIRTH of all devisees and/or heirs at law. (FOR EXAMPLE: Spouse and children; any deceased children list their children's information; or if the decedent is a brother or sister with no spouse or children then his/her parents, if no parent then a list of his/her brothers or sisters including any deceased brothers or sister's children.)
5. Bring any DEED(S) to real property of which the decedent owned an interest. This includes land anywhere in South Carolina and other States. Contact the Tax Assessor's Office (on the first floor) to get a copy of their tax appraisal card. If there is a mortgage on the property, obtain the name of the mortgage company and the amount of the pay off.
6. **FEES - you must bring with you:**
Filing an Application for Informal – Probate of Will and/or Appointment is \$90.00 – This includes the OPENING ESTATE FEE and NOTICE TO CREDITORS to be run in the Herald Advocate (\$60.00). An additional fee of \$1.00 for each heir and/or devisee that has to be put on notice will be assessed. Filing a Petition for Formal - Testacy and/or Appointment is \$150.00 and prior to the appointment of a Personal Representative \$90.00 will be assessed. There may also be an additional COURT COST when the Inventory and Appraisement is filed by the Personal Representative.
7. If the person died without a Will, you may be required to post a bond. Usually, an attorney is required by the bonding company to obtain the bond.

Below is a sample list of additional items that may assist the Personal Representative when the Inventory and Appraisal is filed with the Probate Court's Office. Additional court costs will be assessed once the Inventory is filed.

SAMPLE LIST OF ITEMS IN THE DECEASED NAME ONLY AND/OR PAYABLE TO THE ESTATE:

- 1 Checks that you may have received since the death of the individual.
- 2 A list of all STOCKS and BONDS, if possible, and the broker's name and address.
- 3 Miscellaneous personal property including AUTOMOBILES, TRUCKS, CAMPERS, BOATS, MOBILE HOMES, etc. Please provide titles or registration cards
Example: (Sam Joe **and** Mary Jane) – (Same Joe **or** Mary Jane)
- 4 List all LIFE INSURANCE POLICIES and the company name.
- 5 BANK STATEMENTS and CERTIFICATES OF DEPOSIT.
- 6 Copy of ANNUITIES (IRA's, Keogh or Retirement).

PLEASE CALL FOR AN APPOINTMENT:

No appointment scheduled after 4:00 p.m., it will take about 45 minutes or more to assist you in opening an estate.

**RENEKA MCCOY
PROBATE JUDGE
MARLBORO COUNTY COURTHOUSE
P. O. BOX 455
BENNETTSVILLE, SC. 29512
PHONE: 843-479-5610/FAX: 843-479-5668
EMAIL: mcprobate@bellsouth.net**

Website: <http://www.sccourts.org/probate/index.cfm?countyno=34>

You will initiate your application with a form 300ES, an application for informal or formal probate. We encourage you to do this prior to your first visit to this office. You may save this form in a Word document and return it to us to review and we can discuss any concerns to mcprobate@gmail.com.