



LEXINGTON COUNTY PROBATE COURT

Lexington County Judicial Center
205 East Main Street, Suite 134
Lexington, SC 29072
(803) 785-8324

DANIEL R. ECKSTROM
Judge

JULIE H. THOMPSON
Associate Judge

Please call **785-8324** to schedule an appointment with an estate clerk or you may leave the completed forms for an estate clerk to process. Once your documents are reviewed and no additional information is needed, your estate documents will be processed. If you choose to leave your forms, it usually takes approximately two weeks to be appointed. The following documents will be needed:

- The original Last Will and Testament
- Informal Appointment: Application (Form 300PC) – Completed
- Death Certificate
- Two checks – one made payable to the County of Lexington for the filing fee and one made payable to the newspaper of your choice, listed below.

Additional documents may be needed if the decedent did not leave a Will. We will need to review your circumstances to determine if you need to file additional forms for processing.

The filing fee is based on the probate assets. After you have filed the Inventory and Appraisal, the fee will be re-calculated and if an adjustment is needed we will send you a letter for the additional fee or send you a refund.

Assets	Filing Fee
\$ 0 - \$ 4,999.....	\$25.00
\$ 5,000 - \$ 19,999.....	\$45.00
\$ 20,000 - \$ 59,999.....	\$67.50
\$ 60,000 - \$ 99,999.....	\$95.00
\$100,000 - \$599,999.....	\$95.00 plus .0015 over \$ 100,000 – see formula below

EXAMPLE: If the estate is worth \$325,000.00. The first \$100,000.00 has a fee of \$95.00. The remaining \$225,000.00 is multiplied by .0015 for a total of \$337.50. Add together \$95.00 plus \$337.50 for a total filing fee of \$432.50.

\$600,000 + Same as formula above plus .0025 for all amounts over \$600,000

EXAMPLE: If the estate is worth \$925,000.00. The first \$600,000.00 has a fee of \$845.00. The remaining \$325,000.00 is multiplied by .0025 for a total of \$812.50. Add together \$845.00 plus \$812.50 for a total filing fee of \$1,657.50.

Newspaper advertising rates are as follows: (choose only 1)

- The Chronicle.....\$30.00
- Twin City News..... \$30.00

NOTE: All fees must be paid by check or money order and all documents must be completed in ink with original signatures. We cannot accept faxed documents.

If you need additional forms you may call 785-8324 to request forms or you may find them online at www.lex-co.sc.gov – Go to Departments, choose Probate Court, scroll to the bottom left side to Forms.

SUMMARY OF FORMS

During the administration of an estate, a Personal Representative must file various forms in the Probate Court. The procedures to follow are required by state law. Enclosed are those forms most routinely used in the normal administration of an estate. When filed, the documents are permanent public records. Therefore, the information must be legible. Please type the information on the forms if you can. Otherwise, the information should be printed clearly in black or dark blue ink.

Your estate clerk can answer certain questions as you proceed to administer the estate. Under state law and judicial rules that apply to the probate courts, our personnel cannot complete forms for the Personal Representative. Those laws also prohibit court personnel from giving legal advice. Within those limits, we want to be as helpful as possible. Most questions can be handled by telephone, however, some questions may require an appointment be made for you. All estate appointments are prescheduled so we are able to serve you in a timely and efficient manner. Most appointments can be scheduled within two weeks. For some matters, you may wish to seek the assistance of an attorney knowledgeable in probate law. With the complexities of the S.C. Probate Code, it may be advisable to retain an attorney, however, it is not required. The probate court cannot recommend a particular lawyer. If you need a referral, you may contact the Lawyer Referral Service at 799-1700.

The following is a brief description of the enclosed forms and a general explanation of their use:

APPLICATION/PETITION (Form 300ES)

This is the probate court form that a person completes and files requesting the court to appoint the Personal Representative and grant that person the powers and authority needed to complete the estate. This form must be filled out in its entirety and must be signed by the applicant and notarized.

INFORMATION TO HEIRS AND DEVISEES (Form 305ES)

This form must be delivered by the Personal Representative to all heirs and devisees within thirty days of appointment. This form is used to notify all persons with an interest in the estate of the name, address and telephone number of the Personal Representative, as well as the date the Personal Representative was appointed and the Will, if any, was probated. You must file Form 120PC, Proof of Delivery with this form.

PROOF OF DELIVERY (Form 120PC)

This form must accompany all forms that require notice to be sent to heirs, devisees, and other interested parties.

INVENTORY AND APPRAISEMENT (Form 350ES)

This form must be completed and filed within ninety days of the appointment of the Personal Representative. It provides a summary of the assets of the estate and their value.

DEED OF DISTRIBUTION (Form 400ES)

Under the law in South Carolina, title to real estate passes at death to the heirs and devisees. This form must be filed at the Register of Deeds office in the county where the property is located. A clocked copy from the Register of Deeds office will then need to be filed in the Probate Court. Please note that although this form may be filed and recorded at any time after appointment of the Personal Representative, it may be advisable to wait until the period for creditor's claims has expired to ensure that the property is available in the event it is needed to pay estate debts. Because of potential personal liability to a Personal Representative, it is advisable to seek legal advice from an attorney in preparing and filing the Deed of Distribution.

ACCOUNTING (Form 361ES)

Any time after the creditor's claim period has expired, the Accounting may be filed. Information on this form shows how the assets of the estate have been received and disbursed. It is important to keep accurate records so that the accounting will be clear and exact. This is filed along with the Application for Settlement when you are ready to close the estate. Please note the beginning balance is that which is included on Schedules B, C, D, F and I from the Inventory and Appraisal. The ending balance must be zero, otherwise you will be required to also file Form 410ES – Proposal for Distribution.

WAIVER OF STATUTORY FILING REQUIREMENTS (Form 364ES)

If this form is signed by all heirs or devisees the Personal Representative is not required to file an Accounting (Form 361ES).

APPLICATION FOR SETTLEMENT (Form 412ES)

This form can be filed as soon as the creditor's claim period has expired but no later than one year after the first publication of Notice to Creditors. It is routinely filed with the Final Accounting and a document called a Notice of Right to Demand Hearing (Form 416ES) that is to be delivered to all heirs or devisees. It is the way you ask the court to approve the distribution of estate assets, approve the accounting and discharge the Personal Representative.

RECEIPT AND RELEASE (Form 403ES)

This form is to be signed by the heirs or devisees and acknowledges receipt from the Personal Representative of any and all assets that have been distributed to them. This form typically releases the Personal Representative of liability to the heirs or devisees.

MOTION FOR EXTENSION (Form 352ES)

If circumstances prevent you from filing any form on time, this form is to be used to request the Probate Court to approve an extension of time to file the document.

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The above forms are those most routinely used in the normal administration of an estate. Other situations, including claims by creditors, require other action and the use of additional forms. It is often advisable to seek the legal advice of an attorney knowledgeable in probate law matters.

In certain estates, the law provides for a short summary procedure to be followed. In these cases, most of the above forms do not have to be used.