

Saluda County Probate Procedure for a Full Estate

First, we offer our sincere condolences for the loss of your loved one. We understand the great difficulty the passing of a loved one can cause. Please do not hesitate to ask specific questions about any problems encountered that are not explained here. **As we are not legal professionals, we do not give out legal advice.** As a public service we are here to help you.

As Personal Representative of a Full Estate [**Full Estate has a value of \$25,000 or contains real estate**] you are appointed to settle and distribute the estate of the decedent in accordance with the terms of the Will, if one exist or according to the terms of the SC Probate Code as expeditiously and efficiently as is consistent with the best interest of the estate. The following information is furnished to assist you during the course of your administration.

Office Hours are Monday – Friday from 8:30AM – 5:00PM, **PLEASE CALL AHEAD** to schedule an appointment to handle an estate.

There will be a \$25.00 Opening Fee for all Full Estates due at the time of the first appointment.

1. **Appointment as Personal Representative:** At the time of your first appointment we will meet to discuss the estate process with you. The Staff is willing to look over any paperwork and discuss any questions or concerns that you may have. Your Appointment as Personal Representative will happen at this appointment if you have all correct documentation. **Please complete Form 300ES to the best of your ability/as much as possible.**
2. **Information to Heirs (Form#305ES):** S.C. Probate Code requires that all Heirs and Devisees be notified of your appointment **within 30 days**. A **Proof of Delivery** must be completed and filed with the Court.
3. **Notice to Creditors (Form#370ES)** shall be published in a newspaper of general circulation for three successive weeks. There is a fee for this publication. The Saluda Standard Sentinel mailing address is: P.O. Box 668, Saluda, S. C. 29138. **The cost of this publication is \$25.00 which will be due at the time of your first appointment as well.** You may notify the Twin-City News, Edgefield Advertiser, Newberry Observer or the Index Journal. If you wish to take the payment to the paper, then you will be responsible for making sure that we receive the completed Notice of Creditor Form from the paper for the Probate File. However, we normally *will take care of this in the office for you.*
4. **Estate Account:** If the Court requires that an Estate Account to be open, you may have to go online to apply for an EIN number **The bank may help you to apply for this number or visit this website: www4.irs.gov/modiein/individual/index.jsp and select Apply for Employer ID Number (EIN).**
5. **Federal Income Tax** for both the individual and estate – check with a CPA or Income Tax Advisor for your particular situation.
6. **Personal Representative Commission:** For completing the duties assigned and required by the Court, you are entitled to receive compensation. The amount of **commission allowed cannot exceed five (5%) percent** of the appraised value of the personal property of the estate, plus the sale proceeds of real property directed by Will or proper court order
7. **Inventory and Appraisal (Form#350ES):** A complete list of all assets owned by the decedent must be provided to the Court within 90 days of your Appointment as Personal Representative on Form 350ES. **You must list all the Decedent's Real Property including property located out of the County and State.**

Ancillary/Exemplified Packet: (Certified copies of filings) will need to be mailed to the other County/Countries (*ancillary*) and/or State(s) (*exemplified*). The cost of this Packet is \$20.00 for Saluda County and \$20.00 for each additional county. (~~\$20.00 for the Court sending/preparing required docs and \$20.00 for the receiving county/state to open and file with their Court~~).

Probate Fee: This is a state mandated fee based on the value of the estate assets. This fee is required to be paid when the Inventory and Appraisal is filed with the Probate Court.

State regulated Probate fees:

| <u>PROPERTY VALUE:</u> | <u>FEE AMOUNT:</u> |
|------------------------|---|
| \$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 x amount over \$100,000 |
| \$600,000 – unlimited | \$845.00 plus .0025 x amount over \$600,000 |

8. **Deed of Distribution (Form#400ES):** After the eight months of the Notice of Creditor’s claim has expired, it is your responsibility to proceed to transfer the real property out of the decedent’s name. The Court **highly** advises that you please contact the Attorney of your choice to help with preparing the Deed of Distribution. **Make sure Ancillary Packets have been issued for all property located outside of Saluda County. Once Deed(s) is complete,** we will receive a copy from the Clerk of Court’s office after it has been recorded with them, and then we will proceed with the discharge/closing of said estate.
9. **Personal Property Transfers:** Also, you will need to make certain that all of the automobiles, bank accounts, stocks, bonds, etc. have been transferred out of the decedent’s name before closing the estate. If not, the estate will have to be re-opened at a later time to make the transfers and **fees will apply**.
10. **Final Accounting (Form#361ES):** Once all real estate and personal property have been transferred, as Personal Representative you will be responsible for completing the Final Accounting. This is the full accounting of all money that was handled by the estate or any activity that has taken place within the estate account (if this applies to you). Final Accounting is generally **due one year from the Personal Representative’s appointment date**. Please make an appointment to complete the Final Accounting and Closing Documents- if you need assistance. We will most likely contact you when it is time for this process.
11. **Closing Documents:** Once the Final Accounting has been filed with the Court, you will complete the following closing documents and you will be required to send a copy- with Proof of Delivery, of each document to the heirs and devisees of the estate. Final Accounting, Notice of Right to Demand Hearing, Application/Petition for Settlement, Receipt and Release and Waiver signed for money/items received. **Proof of Delivery (Form#120PC)** for these closing document packets must be filed with the Court as proof that all parties receive the Final Accounting and Closing Documents.
12. **Termination of Appointment (Form#414ES):** If no Hearing is requested, after thirty days (30 days) from the delivery of the closing documents – the Court will issue a Termination of your appointment as Personal Representative and the estate will be closed.

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 Ext. #2221

Christa Shealy
 Associate Probate Judge
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