

FREQUENTLY ASKED QUESTIONS

1. Q. Where are you located?
A. We are located at 1701 Main Street in Columbia, South Carolina. We are in the Richland County Judicial Center (courthouse) which is located at the corner of Blanding and Main Streets, on the second floor, room 207.
2. Q. What is your mailing address?
A. P.O. Box 192 Columbia, South Carolina 29202
3. Q. What is your direct phone number?
A. **Estate Division** (803) 576-1961
Judges Chambers (803) 576-1997
Guardianship/Conservatorship Division (803) 576-1962
Commitment Division (803) 576-1965
Marriage License Division (803) 576-1992
4. Q. What is the direct number for my estate clerk?
A. A list of all estate clerks, their phone number, and their email address can be found on our website under Contact Probate.
www.rcgov.us/departments/probate/contactus.asp
5. Q. Is there an estate open?
A. You may search for an estate on our website.
www.rcgov.us/services/estatesinquiry2.asp
6. Q. Can you send me the paper work?
A. The documents needed to open an estate are available on our website.
www.rcgov.us/departments/probate
They may also be found under our forms referred to as the opening packet.
www.rcgov.us/departments/probate/forms.asp
7. Q. What is the difference in a regular estate and a small estate?
A. A regular estate is when the decedent owned real estate or had assets valued at more than ten thousand dollars. A small estate is when the decedent owned no real estate and the total assets are valued at less than ten thousand dollars.
8. Q. How can I be appointed as the power of attorney for someone?

A. You will need to contact an attorney for the proper documents to be drafted. Please refer to the list of Estate Planning Attorneys.

9. Q. Do I need an appointment to open an estate?

A. An appointment will allow us to set aside enough time to assist you. Please contact the receptionist at (803) 576-1961 to schedule your appointment. Download and complete the documents necessary to open the estate from our website.

10. Q. How long does it usually take to get an appointment?

A. We try to give you an appointment within one to two weeks.

11. Q. Where do I park when I come for the appointment?

A. Directly in front of the courthouse on Main Street, there is ninety-minute parking. You can also use the metered parking in the parking lot beside the Courthouse.

12. Q. Are Probate records available for the public to review?

A. Yes, you can view Probate records on the second floor room 207.

13. Q. Does it cost to file a claim?

A. No, there is no fee to file a claim. You must verify that the estate has been opened in our office in order to file your claim.

14. Q. How much does it cost to open an estate?

A. The cost to open a regular estate is a total of ninety-five (\$95.00) dollars. Forty-five (\$45.00) dollars to the Richland County Treasurer and fifty (\$50.00) dollars to the Richland County Probate Court. To open a small estate the fees are based on the value of the estate. If the small estate is less than five thousand (\$5,000.00) dollars, the fee will be twenty-five (\$25.00) dollars. If the small estate is more than five (\$5,000.00) dollars but less than ten thousand (\$10,000.00) dollars, the fee will be forty-five (\$45.00) dollars. There will also be a five (\$5.00) dollar certification fee added to the filing fee. This will need to be payable to the Richland County Treasurer.

15. Q. What is probate for?

A. Probate is to transfer assets out of the decedent's name to the proper heirs.

16. Q. What is the process?

A. This process varies according to the decedent's date of death, what the value of the estate is and whether or not the matter is contested. Each situation is unique. Your individual situation is best discussed with your attorney.

17.Q. What are the fees to Probate an estate?

A. Probate fees vary according to the value of the estate. Please refer to the Fee Schedule for assistance in calculating the fees.

18.Q. What are the fees for?

A. There is an initial filing fee required by state law that is payable to the county to assist in administration costs. There is a fifty (\$50.00) dollar fee, in most estates, which covers the cost for advertising the decedent's information in the newspaper for creditor's claims, which is also required by state law.

19.Q. How long does it take to probate the estate?

A. A regular estate will take at least eight months because that is the time period that an estate must stay open for creditor's claims, by state law. You should probably allow at least a year for an uncontested estate to close. If the estate is taxable or if the estate will be contested, the probate process may take longer. A small estate will be administered within 1 week to 10 days but cannot be filed until thirty days after the date of death.

20.Q. I just signed my Will; can I file it in your office?

A. A Will is not filed in our office until the person is deceased.

21.Q. Do I have to obtain an attorney in order to probate an estate?

A. We do not require you to obtain an attorney but we strongly encourage you to hire an attorney to help you.

22.Q. Is there very much paper work involved?

A. There are several forms that are required. These forms are available on our website. Your estate clerk can explain the process.

23.Q. Do life insurance policies that are payable to beneficiary have to go through Probate?

A. Life insurance policies payable to a beneficiary must be reported on your Inventory and Appraisal but the value of the policy is not used when calculating filing fees. The transfer of that asset should be dealt with by the beneficiary of the policy and the company or agency providing the benefit.

- 24.Q. Do I have to type the information on the forms?
- A. It is always helpful to have the forms typed. The forms are available to be used in Word. The forms cannot be completed in pencil.
- 25.Q. Do I have to publish the decedent's death in the paper?
- A. No, we provide that service. The fee is included in the amount to open the estate.
- 26.Q. What paper will it be published in?
- A. We typically use the Columbia Star to reduce the cost for the estate; however, if there is another paper that the Personal Representative would rather use, we will be glad to accommodate that request. Please note that there may be an increase in the advertising cost if another paper is chosen.
- 27.Q. How long do creditors have to file a claim?
- A. Eight months from the first date of publication or one year from the date of death whichever is earlier.
- 28.Q. Where can I get a copy of a deed?
- A. The Register of Deeds Office for the county in which the property is located maintains recorded deeds. There will be a cost involved to obtain a copy.
- 29.Q. I need a certificate from probate; what is that and how can I get that?
- A. A certificate is a Certificate of Appointment. This certifies whom the Probate Court has appointed as Personal Representative of the estate. Certificates are issued when the estate is opened. Additional copies can be made available.
- 30.Q. Do I have to open an estate account?
- A. You will need to open an estate account for assets of the estate. These funds should not be co-mingled into any other account. The estate account should always be an interest bearing account. You should request your canceled checks or verify they are available from the bank's website for accounting purposes. You will need to contact the IRS to obtain a tax identification number for the estate account or apply online at [IRS.gov](https://www.irs.gov).
- 31.Q. Can I pay the decedent's bills now or do I need to wait until I am appointed as Personal Representative?
- A. It is best to wait until you meet with the estate clerk for advice on how to go about paying bills.

32.Q. In South Carolina, how is the property of a decedent distributed if there is no Will?

A. If someone dies without a Will, the laws of intestate succession control distribution of the probate property.

33.Q. What is required to apply for a marriage license in South Carolina?

A. You must be over eighteen (18) years old or have your parent's consent. The fee to obtain your license is forty (\$40.00) dollars. You must both bring picture identification and your social security card. There is a twenty-four (24) hour waiting period to receive your license.

34.Q. What estate planning documents should I have?

A. A Last Will and Testament, Durable Power of Attorney, Health Care Power of Attorney, and a Living Will – also known as Declaration of a Desire for a Natural Death. The Health Care Power of Attorney and the Living Will forms are available on our website.

35.Q. What are the requirements for a legal Will?

A. A Will must be in writing, signed and dated by you before two (2) witnesses who are not beneficiaries of your Will. We strongly urge you to use a lawyer for a Will and all other estate planning documents.