

More on getting started with the probate process

First, you must determine **if the decedent had a Will**. Then you must determine **whether the decedent owned a property** requiring probate administration. Finally, if there is probate property, **the type and value of the property** may bear on what is needed to begin the process.

These decisions can best be made with the assistance of a probate attorney. Probate property also includes the right of the decedent's estate to file a lawsuit. However, not all property requires probate administration. Again, consulting a probate attorney is always best.

Court costs are separate from filing fees and news ad fees. These are based upon the value of the property and are paid from the decedent's property. These are not collected when you begin the probate process.

Will but No Probate Property

Option #1: FILING WILL FOR RECORD ONLY (This satisfies the requirement that all Wills must be filed within 30 days from date of death. The Court issues no order on the validity of the Will; therefore it is not admitted to probate. After 10 years from date of death, if the Will has not been admitted to probate, the Will cannot be used to distribute property.)

Requirements: Original Will
 Certified Death Certificate
 Form 306 (Filing Will for Record Only)
 \$20 (\$10 for News Ad + \$10 Will filing fee)

Option #2: ADMITTING THE WILL TO PROBATE (The Court will review the Will; and, if properly executed, will issue an Order admitting the Will to Probate. This Order will allow the Will to determine who will inherit property should property be found even after 10 years from date of death)

Requirements: Original Will
 Certified Death Certificate
 \$20 (\$10 for News Ad + \$10 Will filing fee)
 [Greenville County Probate Court Worksheet](#)

Will with Probate Property

Option # 1: ADMITTING THE WILL/APPOINTING a PERSONAL REPRESENTATIVE (This is used when the Decedent owned real estate titled in his/her name, owned personal property valued in excess of \$25,000 less liens, and/or estate litigation is needed.)

Requirements: Original Will
Certified Death Certificate
\$56.00 (\$46 News Ad + \$10 Will filing fee)
[Greenville County Probate Court Worksheet](#)

Option # 2: SMALL ESTATE PROCEEDING (If the decedent owned **no real estate** and the value of the personal property less liens is **no more than \$25,000.00** and **no litigation** on behalf of the decedent is needed)

Requirements Original Will
Certified Death Certificate
\$10 Will filing fee + Court costs based on value of the property
Form 420 (Small Estate Affidavit)

No Will and No Probate Property

❖ If the Decedent died leaving no Will and owned no probate property, no action is required.

No Will with Probate Property

Option #1: APPOINTMENT OF PERSONAL REPRESENTATIVE: This is the proceeding required when the Decedent owned real estate titled in his/her name, owned personal property valued in excess of \$25,000 less liens, and/or estate litigation is needed. In this proceeding a Personal Representative will be appointed to administer the decedent's property.

Requirements: Certified Death Certificate
\$46 News Ad
[Greenville County Probate Court Worksheet](#)

Option #2: SMALL ESTATE PROCEEDING (If the decedent owned **no real estate** and the value of the personal property less liens is **no more than \$25,000.00** and **no litigation is needed**)

Requirements: Certified Death Certificate
Form 420 (Small Estate Affidavit)
Filing Fee based on value of property