

Small Estate Proceedings (Form 420ES)

SC Code of Laws
62-3-1201, 1202



- Deceased resided in Greenville County
- Has been deceased for at least 30 days
- Owned **NO REAL ESTATE**
- No Litigation
- Personal Property and/or Cash accounts are valued at \$25,000 or less

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Hon. Chadwicke L. Groover,
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Greenville County Probate Court
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<https://www.greenvillecounty.org/probate/>

What is a Small Estate Proceeding?

- A proceeding to distribute personal property and bank accounts, cash, tax refunds, unclaimed property, etc. to the deceased person's lawful beneficiaries without having to commence a full probate administration.

What are the requirements?

- You may not use this proceeding to distribute REAL ESTATE. A full probate administration is necessary if the deceased owned any interest in any real estate.
- Deceased must have been a Greenville County resident at death, AND
- 31 days has elapsed since the Deceased's death, AND
- Deceased owned personal property with certificates of title such as cars, mobile homes, boats, AND/OR
- Deceased had cash, bank account, unclaimed property <https://treasurer.sc.gov/>, patient account refunds, checks made payable to the deceased, etc.
- All property described above separately or combined must

have a net value of \$25,000 or less. (The value of the property at the time of death less liens).

- This proceeding cannot be used if the deceased person's family needs to file suit on behalf of the deceased person.

What if I don't know the amount in the deceased's bank account?

- A *Bank Balance Affidavit and Order* form is available from the Court Information Specialists located in the reception area of Suite N- T100. You may call 864-467-7614 or 864-467-7497 to request a form. The Order will allow the Bank to give you the amount of the balance in the account. **It will not allow you to receive the amount in the account.**

What happens next?

- File: Form 420 ES
- <https://www.greenvillecounty.org/probate/EstateForms.aspx>
Because this is a sworn statement, the person completing the affidavit is referred to as the *affiant*. The *Affiant* must be:
 - Named in the Will; or, if no Will, must
 - Be an *heir*, (An heir is the

deceased person's family member who inherits when there is no Will.); or, the

- Payer of the funeral expense
- File Cert. copy of Death Certificate Cause of death must not be in *pending* status.
- File the Will, Codicils, Memoranda (Must be Originals, not copies) Any person in the possession of a deceased person's Will must file the Will within 30 days of the death according to state law.
- Pay Filing Fees & Court Costs.
- File copy of obituary if available.

FUNERAL EXPENSE REIMBURSEMENT

- If this proceeding is filed for funeral expense reimbursement, the affiant must file a copy of an itemized statement of services confirming the amount paid by the affiant.

Are there fees to file a Will?

The fee for filing a Will is \$10.00

How much are Court Costs?

- State law determines costs based on value of the property.
 - **Property Value Court Costs**
- | | |
|------------------------|---------|
| \$0-99.99..... | \$12.50 |
| \$100-4,999.99..... | \$25.00 |
| \$5,000 -19,999..... | \$45.00 |
| \$20,000-59,999.99.... | \$67.50 |
- Make check or money order

payable to *Greenville County Treasurer*. No starter checks

After the above, what happens?

- The documents are reviewed
- If the filings are acceptable, the Judge will sign the Order section of Form 420 ES.
- Then, certified copies of the completed FORM 420ES are mailed to the affiant at the address provided on the form. (one copy for each asset listed & one copy for the affiant)
- The Court closes the case
- Upon receipt of the certified copies, the affiant may present them to the asset holder, i.e. a bank, DMV for title transfers, etc.
- The asset holder distributes the asset as required by the Order.

How long does it take to receive the Order? Our goal is as soon as we can☺

- If the affiant's documents are complete and accurate, anticipate 2 weeks at the most. Usually quicker.
- If required documents have not been provided; or, if the documents provided are not in good order, additional time

will be needed.

- Other reasons could be legal issues such as a poorly drafted Will or questionable marital status. Court staff will contact you to discuss the delay.
- The case will close if affiant fails to respond to staff requests for needed information or corrections. The fee to reopen is \$22.50.

What if I discover another asset?

Because **\$22.50 is charged each time a small estate is re-opened**, it is best to wait until you are sure there are no other assets to distribute. If the new asset & the assets previously distributed equal more than \$25,000, full probate administration is needed

What if I have questions?

Phyllis Jones is the Judicial Assistant overseeing all small estate proceedings. She can be reached at 864-467-7177 or at pjones@greenvillecounty.org . **Neither Mrs. Jones nor anyone else in our office may give legal advice. You are strongly encouraged to contact an attorney. SC Lawyer Referral Service – 1-800-868-2284**