

HORRY COUNTY PROBATE COURT
HORRY COUNTY GOVERNMENT AND JUSTICE CENTER
1301 SECOND AVENUE, CONWAY, SOUTH CAROLINA 29526
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www.horrycountysc.gov/probatecourt

R. Allen Beverly Jr., Judge of Probate
Charles R. Rhodes Jr., Chief Associate Judge
Angela D. Harrison, Associate Judge



WILL FILE ONLY PACKET

All of us at Horry County Probate Court extend our condolences for the loss of your loved one and understand that this is a difficult time for you and your family. We are committed to making the probate process as simple and easy as we can.

The job of the Probate Court is to handle the administration of estates (property owned by the Decedent), and distribution of estate assets to heirs and devisees (persons/organizations designated to inherit in the Decedent's Will). **THE PROBATE COURT CANNOT PROVIDE LEGAL ADVICE. WE STRONGLY ENCOURAGE YOU TO SEEK THE ADVICE OF A LICENSED SOUTH CAROLINA ATTORNEY TO ADVISE YOU ON ALL LEGAL ISSUES RELATED TO ADMINISTRATION OF AN ESTATE.**

This packet will outline the process and necessary paperwork to file the Decedent's Last Will and Testament and/or Codicil (amendment to a Will) with our Court when no probate or appointment proceedings are desired. Pursuant to the South Carolina Probate Code, any person having possession of a Will of someone who has passed away **is required** to file the Will with the Probate Court within thirty (30) days of the Decedent's death.¹ Filing of a Will only is strongly discouraged as it does not admit the Will or Codicil to probate in South Carolina, and no property can be transferred pursuant to the terms of the Will and/or Codicil unless it is probated.

If you are in possession of a Will and/or Codicil of a Decedent in South Carolina, you may file it with our Court by following this procedure:

1. Complete Form 306ES – Filing of a Will for Record
2. Attach Original Last Will and Testament and any Codicils or Memoranda (list that disposes of tangible personal property).
3. Attach Certified Copy of Decedent's Death Certificate
4. Cash (in-person delivery only), check or money order payable to Horry County Probate Court in the total amount of **\$25.00** (\$10.00 filing fee and \$15.00 publication fee)

Upon receipt of these documents, the file will be assigned to a judicial assistant who will assign a case number. If you wish to receive clocked copies of the documents you file with the Court, **you must** provide a copy of all documents along with a self-addressed, stamped envelope.

All forms can be obtained on our website at www.horrycountysc.gov/departments/probate-court/forms/. You can also call our office at (843) 915-5370 (Option 1) or e-mail our general delivery inbox at hcg.ProbateCourt@horrycountysc.gov. You are encouraged to call or e-mail us prior to visiting our office to ensure that you have all proper and required documentation.

¹ See S.C. Code Ann. § 62-2-901(a).

Instructions for Complete Form 300ES Application for Informal Probate of Will/Appointment

South Carolina Law requires that any person having possession of the Last Will and Testament or Codicil (Amendment to a Will) of someone who has passed away is **required** to file the document with the Probate Court in the county in which the Decedent lived within thirty (30) days after the Decedent's death.

Note, that filing of a Will or Codicil does not probate the document and is not sufficient to transfer any property from the Decedent's name pursuant to the terms of the Will or Codicil. See the language at the bottom of Form 306ES.

FILING A WILL FOR RECORD DOES NOT COMMENCE A PROBATE PROCEEDING IN ACCORDANCE WITH SPC 62-3-108 AND IS NOT SUFFICIENT FOR THE TRANSFER OF TITLE OF DECEDENT'S ASSETS.

If the Decedent owned property (real or personal) or if a Personal Representative needs to be appointed for any reason, you must file Form 300ES, Application/Petition for Informal/Formal Probate and Appointment. Probate Court forms can be obtained on our website at (<https://www.horrycountysc.gov/departments/probate-court/forms/>).

STATE OF SOUTH CAROLINA)	IN THE PROBATE COURT
COUNTY OF Horry)	
IN THE MATTER OF:)	FILING OF A WILL FOR RECORD
(Decedent's Name))	CASE NUMBER: _____

Decedent's Full Name as it appears on the Will along with any a/k/a's

For Court Use Only

Part 1 – Decedent Information

I. Decedent Information:

Full Name (including all known names):	_____
Date of Death:	_____
Age at date of death:	_____
Address on Date of Death:	_____

If the above address is the address of a nursing home, a prison, or other residential facility, please give the last address of the Decedent prior to entering the facility: _____

2. Venue for filing the Will in this County is proper because Decedent was domiciled in this County at date of death.

3. The execution date of the Will: _____
Codicil(s): _____

and the documents are attached hereto.

4. Does Decedent's Will refer to a Memorandum (list disposing of tangible personal property)?

NO YES If referred to Memorandum(s) exists, attach hereto.

Information about the person who died. Include Decedent's Full Name as it appears on the Will along with any a/k/a's.

Be sure to include the Decedent's address prior to entering a nursing home, prison, or other residential facility, if applicable.

Parts 2 through 4

2. Venue for filing the Will in this County is proper because Decedent was domiciled in this County at date of death.

3. The execution date of the Will: .
Codicil(s): .

and the documents are attached hereto.

4. Does Decedent's Will refer to a Memorandum (list disposing of tangible personal property)?

NO YES If referred to Memorandum(s) exists, attach hereto.

Date (MM/DD/YEAR) on Will or Codicil

If the Will does not refer to a Memorandum, check "no".
If the Will refers to a Memorandum (even if one cannot be located), check "yes" and either indicate that one was not found or, if one was located, attach to this Form.

Signature and Filer Information

Pursuant to SCPC 62-2-901, the undersigned delivers the Will of the above-referenced Decedent to the office of the Probate Court of the _____ county.

Executed this day of , 20 .

Signature:	<input type="text"/>
Print Name:	<input type="text"/>
Address:	<input type="text"/>
Telephone (Work):	<input type="text"/>
(Home):	<input type="text"/>
(Cell):	<input type="text"/>
Email:	<input type="text"/>
Relationship to Decedent/Estate:	<input type="text"/>

Day

Month

Last two digits of year

Signature and Contact Information for Person Completing the Form