

DETERMINATION OF HEIRS



Greenville County Probate Court
1200 Greenville County Square
301 University Ridge
Greenville, SC 29601
(864) 467-7179
www.greenvillecounty.org

DETERMINATION OF HEIRS

Filing Fee: \$150.00

S. C. Code of Laws, Section 62-3-108

If a person has been DECEASED FOR MORE THAN 10 YEARS, unless requirements outlined in SCPC, Section 62-3-108, have been met, probate of an estate is not permitted.

For those who wish to establish a record at the Probate Court for chain of title purposes, proceed as follows:

- File at Probate Court: Summons, Petition for Determination of Heirs, filing fee, and, if not already filed, a death certificate. Petition should allege all facts regarding who the heirs were **at time of death**, what law was in effect at time of death [*include a copy of statute in effect at that time*], and why probate administration was not done prior to this time.
- Serve pleadings on all interested parties (heirs) and file proof of service.
- Respondents/Defendants will then have 30 days in which to file their response (Answer).
- After the above 30 days have passed or once the Answers have been filed, the hearing is to be set 120 days from the initial filing date. If all parties are in agreement to set the hearing earlier, the hearing can be set, keeping in mind that a 20-day notice of the hearing is required. (*Hearing cannot be waived.*)
- Testimony from a witness that knew the decedent most of his/her lifetime helps determine there are no other heirs. Following hearing, attorney will prepare an Order for the Probate Judge to sign. (If you wish to record the Order at the Register of Deeds Office, be sure to include necessary information, such as property description, derivation, complete

names, etc., and a direction that the Register of Deeds Office record this Order.)

Once the Order is executed, the probate file will be closed.