

**ORIGINAL WILL
CANNOT BE LOCATED,
only a copy**

What can I do?



Hon. Debora A. Faulkner
Probate Judge
Greenville County Probate Court
1200 Greenville County Square
301 University Ridge
Greenville, SC 29601
(864) 467-7170
www.greenvillecounty.org

OPTION 1: Formal Probate

- Attorney to file civil Summons, Petition for Formal Probate (FORM 300ES) requesting formal testacy, copy of Will, and \$150 filing fee.
- Serve pleadings on all interested parties (devisees **AND** heirs). File proof of service.
- Respondents file Answers within 30 days.
- Set hearing.* Testimony presented will need to include witness(es) to confirm proper execution of will; witnesses who can substantiate that original will was not destroyed or invalidated by testator/testatrix and that this is the valid Last Will had the original been found.

- Following hearing, attorney will prepare Order and submit any further requirements necessary to process appointment of Personal Representative.

*To waive hearing, file Answers from all devisees and all heirs agreeing that the original Will was not intentionally destroyed by decedent, consenting to accepting copy of will in lieu of the original and waiving hearing; Affidavit from a witness as to proper execution of the Will; Affidavit from family as to whereabouts of original/where it was kept/diligent search/conclusion or evidence that it was not destroyed by decedent (testator); Summons; FORM 300ES for formal testacy; filing fee; and proposed Order.

OPTION 2: Intestate

- Proceed to probate intestate (no will--beneficiaries are heirs-at-law).