

First Meeting Documents Needed to Begin Estate and/or Trust Settlement in South Carolina

In order to begin the settlement of a decedent's estate or trust, there are certain initial papers and documents which we need, if they exist. They are as follows:

1. Original Last Will and Testament(s)
2. Copy of Trust Agreement(s)
3. Original Death Certificate
4. Check for the Beaufort County Probate Court
5. List of all children, or other beneficiaries, with addresses, phone numbers, and dates of birth
6. Copies or original deed(s) to property
7. Copies or original mortgage(s) to property
8. Copies or original title(s) to cars and/or boats
9. Copies or original bank account statements
10. Copies or original brokerage statements
11. Copies or original life insurance policies
12. Copies or original pension plan, 401(k), IRA, or other retirement account statements
13. Copies or original credit card statements
14. Copies or original medical bills
15. Copies or original funeral bill and/or any other known administration expenses
16. Copies or original personal income tax returns for the last three (3) years
17. Copies of all gift tax returns
18. An inventory of any safe deposit boxes
19. Copies of closely held business incorporation papers, shareholder agreements, and bylaws
20. Copies of limited liability company (LLC) documents and agreements
21. Copies of any partnership agreements
22. Copies of the income tax returns for all closely held businesses for the last 5 years

We will make copies of any original documents for our file and return the originals to you, with the exception of the original Last Will and Testament, which is generally required to be filed with the Beaufort County Probate Court within 30 days after the death of the decedent.

Although we do not require all of the above documents prior to or during our initial office conference, the more of the above that you can provide to us prior to or during the meeting, the more productive it will be. We have found that without the information, the meeting is not as productive.

During the meeting, the information is used to determine (1) if there are any probate assets that require the appointment of a personal representative through the probate court and (2) if an estate tax return is needed. If neither one of these is needed, then we usually have 1-3 additional meetings to conclude the case, unless there are unusual circumstances. If there is a full probate (i.e. appointment of a personal representative by the probate court) required, then it usually takes about 12 months to finish the work. If there is an estate tax return due, then the work usually takes 18-24 months to complete. If there are unusual circumstances, it can take longer.

The information can also be helpful in spotting potential income, gift, and employment tax issues as well as creditor and related problems.

In all cases, the Will has to be submitted to the probate court. If the decedent left property in a trust, then there are additional requirements under the South Carolina Trust Code, which is a version of the Uniform Trust Code.

Each state law is different. The above information is for use in our South Carolina cases, only.