|  |  |
| --- | --- |
| **STATE OF SOUTH CAROLINA** | **)** |
|  | **)** |
| **COUNTY OF CHARLESTON** | **)** |
|  | **)** |
| **IN RE: ESTATE OF** **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**  | **)****)** |
|  | **)** |
| **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,** | **)** |
|  | **)** |
|  | **)** |
| **Petitioner,** | **)** |
| **v.** | **)** |
|  | **)** |
| **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,**  | **)**) |
|  **Respondents.**  | **)** |

**IN THE PROBATE COURT**

**CASE NO. 2018-ES-10-0000**

**ORDER APPOINTING**

**PERSONAL REPRESENTATIVE**

 **HEARING DATE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_, 2018**

 **PRESIDING JUDGE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **PETITIONER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **PETITIONER’S ATTORNEY: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Esq.**

 **RESPONDENTS: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **RESPONDENTS’ ATTORNEY: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **COURT REPORTER: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**THIS MATTER** comes before the Court on the \_\_\_\_\_\_\_\_\_\_’s Application for Formal Appointment of Personal Representative of the Estate of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ filed on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_, 2017. Present at the hearing were \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Proper notice was given to all interested parties. Based upon the pleadings, testimony, and record in this matter, the Court hereby makes the following findings of fact and conclusions of law:

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. The Decedent died (testate/intestate) on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_, 2017 as a resident of \_\_\_\_\_\_\_\_\_ County, South Carolina.
2. Pursuant to S.C. Code Ann. § 62-1-301, the Charleston County Probate Court has subject matter jurisdiction over this matter.
3. Pursuant to S.C. Code Ann. § 62-1-303 and § 62-3-201 (a)(2), venue for this proceeding is proper in Charleston County.
4. The Court finds that proper notice was given to all parties with an interest in this matter, pursuant to S.C. Code Ann. § 62-1-401.
5. (IF TESTATE) Decedent executed a Last Will and Testament on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_, 2017, a copy of which has been filed with the Charleston County Probate Court. Decedent’s Last Will and Testament was witnessed by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and was notarized by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
6. (IF TESTATE) In the Decedent’s Will at Item \_\_\_\_\_\_\_, he appointed and nominated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as Executor of his Estate.
7. The Court finds \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ to be a fit and proper person to serve as Personal Representative of the Estate.
8. \_\_\_\_\_\_\_\_\_\_\_\_\_’s attorney received and is in possession of Estate assets in the amount of $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, which are being held in his firm’s escrow account.

Based upon the foregoing, it is now, hereby

**ORDERED, ADJUGED, AND DECREED** that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ shall be appointed to serve as Personal Representative of the Estate of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and shall be empowered with the powers conferred thereto by South Carolina statute; it is further

**ORDERED, ADJUGED, AND DECREED** that the Estate funds shall remain in the Escrow account of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, unless and until additional assets are located, in which case an Estate account shall be opened; it is further

**ORDERED, ADJUGED, AND DECREED** that \_\_\_\_\_\_\_\_\_\_ shall not be required to file a bond; and it is further

**ORDERED, ADJUGED, AND DECREED** that this Order shall be subject to further Orders of this Court as may become necessary.

**AND IT IS SO ORDERED** this \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, 2018.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**ASSOCIATE JUDGE OF PROBATE**

Charleston, South Carolina