

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF \_\_\_\_\_ )  
 )  
IN THE MATTER OF: )  
 )  
\_\_\_\_\_)  
(Decedent) )

IN THE PROBATE COURT

CASE NUMBER: \_\_\_\_\_

\_\_\_\_\_  
Petitioner(s)

vs.

**\*PETITION FOR OMITTED SPOUSE SHARE**

\_\_\_\_\_  
Respondent(s)

The undersigned hereby alleges:

1. I married the Decedent on \_\_\_\_\_. (See the attached certified copy of the Marriage License or the certified copy of the Court Order declaring the existence of a Common Law Marriage between the Decedent and me.)
2. I was still married to the Decedent when he/she died on \_\_\_\_\_. I am informed and believe that a Will executed by Decedent on \_\_\_\_\_ is being probated in this Court.
3. I elect to take my omitted spouse share of the Decedent's estate
4. This election is made within the later of (a) eight (8) months after the date of the Decedent's death, (b) six (6) months after the Informal or Formal Probate of the Decedent's Will, or (c) thirty (30) days after I was served with a Summons and Petition to set aside an Informal Probate or to modify or vacate an Order for Formal Probate of the Decedent's Will.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone (Work): \_\_\_\_\_

(Home): \_\_\_\_\_

(Cell): \_\_\_\_\_

Email: \_\_\_\_\_

Attorney: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email: \_\_\_\_\_

**\*NOTE: THIS IS A FORMAL ACTION. IN ADDITION TO A PETITION, YOU MUST ALSO FILE A SUMMONS (FORM SCCA 401PC) AND PAY THE STATUTORY FILING FEE OF \$150.00. A HEARING IN THE PROBATE COURT ON THE PETITION MAY BE REQUIRED.**