



Probate Timeline (Decedent's Estate)

Note: This is an approximate timeline of the Probate process and is not intended to cover every scenario a personal representative may encounter. The entire process can take between 9 months to 1 ½ years, or longer. It is your responsibility to research and determine which tasks apply to your specific circumstances. For more complex estates or estates that might be challenged or contested it may be best to seek legal representation.



Approximate Deadlines:		Brief Description of Required Action:
<input type="checkbox"/>	After Death	Gather information regarding assets, heirs/beneficiaries, creditors, and determine who will be the personal representative.
<input type="checkbox"/>	Within 30 days from Date of Death	If decedent had a Will, deliver the original(s) to the clerk of the Superior Court of the County in which the estate of the decedent may be administered.
<input type="checkbox"/>	Petition for Probate	Complete and file Petition for Probate (JC Form #DE-111); *Waiver of Bond by Heir or Beneficiary (JC Form #DE-111(A-3e)); Duties and Liabilities of Personal Representative (JC Form #DE-147); *Proof of Subscribing Witness (JC Form #DE-131); *Proof of Holographic Instrument (JC Form #DE-135). *Forms may not be applicable.
<input type="checkbox"/>	3 weeks before Hearing Date	Submit Proposed Order for Probate (JC Form #DE-140); Proposed Letters (Probate) (JC Form #DE-150); and Bond, if applicable.
<input type="checkbox"/>	Within 15 days from Hearing Date	Publish and serve the Notice of Petition to Administer Estate (JC Form #DE-121). File proof of publication and proofs of service.
<input type="checkbox"/>	Within 2 weeks from Hearing Date	Review Probate Notes on the court's website. Correct defects. Some defects may be corrected by clarifying on a Response to Probate Notes form (SDSC Form #PR-177).
<input type="checkbox"/>	Within 90 days from issuance of Letters	Send notice to any applicable public agencies, such as Franchise Tax Board; Department of Health Services; Victims Compensation Board.
<input type="checkbox"/>	Within 90 days from issuance of Letters	Consult a licensed tax professional concerning duty to obtain a tax identification number from the IRS and file all necessary State and Federal tax returns.
<input type="checkbox"/>	Within 4 months from issuance of Letters	Prepare an Inventory & Appraisal (JC Form #DE-160) and send to the Probate Referee appointed on the Order for Probate, for completion of the valuation of the estate.
<input type="checkbox"/>	Within 4 months from issuance of Letters	Prepare and mail Notice of Administration to Creditors (JC Form #DE-157) to both known and reasonably ascertainable creditors of the decedent.
<input type="checkbox"/>	Within 30 days of receipt of Creditor's Claim	Complete and file an Allowance or Rejection of Creditor's Claim (JC Form #DE-174), for each Creditor's Claim received.
<input type="checkbox"/>	Within 1-1½ years from issuance of Letters	Prepare and file a final accounting or waiver of final accounting and petition for final distribution. This may be filed on pleading or by completing First and Final Report of Personal Representative & Petition for Final Distribution (SDSC Form #PR-165).
<input type="checkbox"/>	Within 15 days from Hearing Date	Serve and file the Notice of Hearing (Decedent's Estate or Trust) (JC Form #DE-120).
<input type="checkbox"/>	Within 2 weeks from Hearing Date	Review Probate Notes on the court's website. Correct defects. Some defects may be corrected by clarifying on a Response to Probate Notes form (SDSC Form #PR-177).
<input type="checkbox"/>	After Hearing	Distribute assets to heirs/beneficiaries, as approved by court, and obtain signed receipts for filing with the court.
<input type="checkbox"/>	Within 30 days after Hearing	Complete and file the Ex Parte Petition for Final Discharge and Order (JC Form #DE-295).