

to adjudicate a creditor's claim at the end of the estate. By treating each action as being independent, the Legislature has allowed each action to process efficiently.¹

In summary, under the current South Carolina Probate Code each action is a separate proceeding independent of any other absent Part 5 administration. An order adjudicating the particular issue before the court is final for purposes of that independent action even if other independent actions are ongoing. An order of appointment fully and finally adjudicates the question of appointment when issued. An order denying a creditor's claim fully and finally adjudicates the claim when issued. An order admitting or denying a will to probate fully and finally adjudicates testacy when issued. That is precisely what has happened in this case.

The circuit court has ruled upon testacy. His order has "**REMANDED** back to the Charleston County Probate Court for **informal probate of the 2008 Will of decedent Hazel North.**" (Emphasis in the original). The question of testacy has been decided. The Petitioners have been disinherited and the Respondents have been made heirs. The entry in the probate court is purely ministerial. It is merely the "execution what has been determined." The subject of the petition, which is probate has been decided. The order could not be more final under the law or under the effect.

SURVEY OF JURISPRUDENCE

It is the law of the State of South Carolina which is of import, and the law is clear. An ultimate adjudication of a petition for probate and appointment is a final order absent Part 5

¹ Assume that the law required a party to wait to appeal an order from the probate court until the final order of closing the estate was issued. One of the first aspects of the estate would be the probate of a will. Before the court can enter the final order, the personal representative must deliver the property to the devisees of the probated will, deliver deeds of distribution for real property, pay off creditors and finalize all estate business. Then, the parties could appeal the probate order. If the matter is reversed, the property will have been already distributed. Treating each proceeding as independent which is finalized by an adjudicating order defeats such an absurdity.