

Table of Contents

CHAPTER 1. INTESTATE SUCCESSION

- § 1:1 Property subject to law of intestate succession
- § 1:2 Governing law
- § 1:3 Heirs at law—Time of determination
- § 1:4 Heirs at law “in being”—Posthumously born heir
[Retitled]
- § 1:4.50 Heirs at law—Posthumously conceived children *[New]*
- § 1:5 Heirs at law—Right of representation
- § 1:6 Heirs at law—Relatives by consanguinity
- § 1:7 Half-bloods
- § 1:9 Adoptions
- § 1:10 Illegitimates
- § 1:11 In-laws
- § 1:15 Loss of right to inherit—Willfully causing death of decedent
- § 1:16 Loss of right to inherit—Spousal and parental misconduct
- § 1:17 Loss of right to inherit by contract—Release of expectancy
- § 1:19 Disclaimer of inheritance
- § 1:20 Intestate succession—Exempt property
- § 1:21 Suits to determine heirship

CHAPTER 2. ADMINISTRATION OF INTESTATE ESTATE

- § 2:1 Appointment of administrator—Jurisdiction and venue
- § 2:2 Person appointed administrator
- § 2:3 Administrator’s oath, bond, and duty
- § 2:4 Administrator’s attorney
- § 2:5 Temporary administrator
- § 2:9 Removal of administrator—Misconduct
- § 2:10 Removal of administrator—Other causes
- § 2:13 The estate to be administered
- § 2:14 Inventory and appraisal *[Retitled]*
- § 2:15 *[Deleted]*
- § 2:16 *[Deleted]*
- § 2:17 Setting aside exempt personal property
- § 2:18 Support for one year

WILLS AND ADMINISTRATION OF ESTATES IN MISSISSIPPI 3D

- § 2:19 Notice to creditors
- § 2:20 Claims requiring probate
- § 2:21 Probating claim
- § 2:22 Amendment of claim
- § 2:23 Failure to probate
- § 2:25 Payment of claims not due
- § 2:27 Secured claims
- § 2:28 Claims for services rendered—Quantum meruit
- § 2:30 Claims against estate—Statutes of limitations
- § 2:31 Creditor's action to compel payment of probated claim
- § 2:32 Taxes
- § 2:33 Tort claims against estate
- § 2:36 Management of estate—Sale of personal property
- § 2:37 Management of estate—Sale of land
- § 2:39 Management of estate—Causes of action of decedent
- § 2:40 Management of estate—Compromise and settlement of claims
- § 2:42 Management of estate—Prohibited acts
- § 2:43 Insolvent estates
- § 2:44 Annual accounts
- § 2:46 Final accounts
- § 2:47 Administrator's attorneys fees—General services
- § 2:48 Administrator's attorneys fees—Special services
- § 2:49 Administrator's commission and expenses
- § 2:50 Reopening the estate
- § 2:51 Suits for devastavit against administrator and surety
- § 2:52 Recovery of decedent's personal property without administration
- § 2:53 Gifts inter vivos
- § 2:56 Joint bank accounts and certificates of deposit

CHAPTER 3. WILLS

- § 3:1 Introduction
- § 3:5 Form or title of writing
- § 3:6 Will or deed with reservation of life estate
- § 3:10 Holographic wills
- § 3:14 Foreign wills
- § 3:16 Codicils
- § 3:17 Contracts to make wills
- § 3:18 Contracts to make wills—Antenuptial agreements *[New]*

CHAPTER 4. EXECUTION OF WRITING

- § 4:1 Introduction
- § 4:3 Testamentary capacity—Sound and disposing mind
- § 4:4 Execution of nonholographic will
- § 4:5 Execution of nonholographic will—Signed by testator

TABLE OF CONTENTS

- § 4:6 Execution of nonholographic will—Acknowledgment of signature when testator does not sign in presence of witnesses
- § 4:7 Execution of nonholographic will—Publication
- § 4:8 Execution of nonholographic will—Request of witnesses to sign will
- § 4:8.50 Execution of nonholographic will—Witnesses' satisfaction of testator's sound and disposing mind [*New*]
- § 4:9 Execution of nonholographic will—Attestation by two witnesses
- § 4:10 Execution of nonholographic will—Credible witnesses
- § 4:11 Execution of nonholographic will—Beneficiary as attesting witness
- § 4:13 Attestation clause
- § 4:17 Incorporation by reference

CHAPTER 5. REVOCATION OF WILL

- § 5:2 Revocation by physical act
- § 5:3 Revocation by subsequent writing—Express statement of revocation
- § 5:4 Revocation by subsequent writing—Totally inconsistent will
- § 5:7 Conditional revocation—Implied dependent-relative revocation
- § 5:9 Implied revocation by operation of law
- § 5:10 Implied revocation by inter vivos conveyance of property

CHAPTER 6. LIMITATIONS ON TESTAMENTARY POWER

- § 6:3 Surviving spouse's renunciation of will
- § 6:6 Surviving spouse's "legal share"
- § 6:10 Contracts not to renounce
- § 6:12 Protection of surviving spouse—Homestead
- § 6:14 Mortmain—Restrictions on devises and bequests to proscribed institutions
- § 6:15 Joint tenancy with right of survivorship

CHAPTER 7. PROBATE OF WILL

- § 7:1 Introduction
- § 7:2 Jurisdiction and venue
- § 7:3 People who may probate will
- § 7:4 Institution of probate proceedings
- § 7:5 Parties to probate proceeding—Common form probate
- § 7:6 Parties to probate proceeding—Solemn form probate
- § 7:7 Proponent's prima facie case for validity of will

- § 7:10 Proof of attested will without testimony of subscribing witness
- § 7:15 Probate of lost or destroyed will
- § 7:16 Probate of foreign will
- § 7:18 Estoppel to probate
- § 7:19 Statute of limitations

CHAPTER 8. WILL CONTESTS

- § 8:1 Introduction
- § 8:2 Persons who may contest will
- § 8:3 Instituting will contest
- § 8:4 Indispensable parties
- § 8:5 Issues in will contest
- § 8:6 Trial of will contest—Jury
- § 8:7 Trial of will contest—Procedure
- § 8:8 Trial of will contest—Proponent's prima facie case
- § 8:9 Trial of will contest—Contestant's burden to go forward with evidence
- § 8:10 Trial of will contest—Further evidence by proponent
- § 8:11 Trial of will contest—Burden of proof
- § 8:12 Grounds for contest—Lack of testamentary capacity
- § 8:14 Grounds for contest—Attested will not duly executed
- § 8:15 Subscribing witnesses' testimony unavailable
- § 8:17 Undue influence—Traditional doctrine
- § 8:18 Undue influence—Confidential relationship doctrine
- § 8:21 Contest of foreign will
- § 8:22 Loss of right to contest will
- § 8:23 Forfeiture of legacy for unsuccessful contest
- § 8:24 Rules of evidence in will contests

CHAPTER 9. ADMINISTRATION OF TESTATE ESTATE

- § 9:1 Appointment of executor or administrator c.t.a.
- § 9:2 Oath and bond
- § 9:3 Executor's rights and duties—Generally
- § 9:4 Inventory, appraisal, and accounts
- § 9:5 Payment of testator's debts
- § 9:6 Homestead rights
- § 9:7 Interpretation and construction of will
- § 9:8 Evidence of intent—The will
- § 9:9 Ambiguity
- § 9:10 Extrinsic or parol evidence
- § 9:12 Construction of will—Identification of beneficiary
- § 9:12.50 Construction of will—Conditional bequest, testamentary trust, or precatory expression *[New]*
- § 9:13 Construction of will—Identification of property

TABLE OF CONTENTS

§ 9:14 Lapse of gifts
§ 9:15 Class gifts
§ 9:18 Abatement
§ 9:20 Ademption

Table of Laws and Rules

Table of Cases