Detailed Volume Table of Contents

Chapter 1

Introduction

- § 1:1 Necessity of probate and administration
- § 1:2 Proof of death
- § 1:3 Venue
- § 1:4 Form: Petition for probate of will as a muniment of title
- § 1:5 Form: Order admitting will as a muniment of title
- § 1:6 Form: Affidavit of successor
- § 1:7 Form: Agreement to indemnify

Chapter 2

Probate in General

- § 2:1 Location of will
- § 2:2 Attested will
- § 2:3 Holographic wills
- § 2:4 Will of nonresident
- § 2:5 Lost or destroyed wills
- § 2:6 Form: Petition for production of will
- § 2:7 Form: Order for production of will
- § 2:8 Form: Affidavit of subscribing witness
- § 2:9 Form: Affidavit for proving holographic will

Chapter 3

Intestate Administration

- § 3:1 In general
- § 3:2 Procedure
- § 3:3 Form: Petition for letters of administration
- § 3:4 Form: Order authorizing issuance of letters of administration

Chapter 4

Probate in Common Form

- § 4:1 Procedure
- § 4:2 Form: Petition to probate will in common form
- § 4:3 Form: Order admitting will to probate in common form
- § 4:4 Form: Petition to probate holographic will
- § 4:5 Form: Order admitting holographic will to probate
- § 4:6 Form: Letter of instructions to executor
- Form: Petition for probate of last will and testament and § 4:7 issuance of letters of administration cum testamento annexo (c.t.a.)
- Form: Order granting probate of last will and testament § 4:8 and issuance of letters of administration cum testamento annexo (c.t.a.)
- § 4:9 Form: Caveat objecting to probate of last will and testament of decedent

Chapter 5

Probate in Solemn Form

- § 5:1 Procedure
- § 5:2 Form: Petition requesting date be set for hearing to probate will in solemn form and for issuance of temporary letters testamentary
- § 5:3 Form: Order setting date for a hearing in solemn form and for issuance of temporary letters testamentary

Chapter 6

Temporary Administration

- § 6:1 Procedure
- § 6:2 Form: Petition for appointment of temporary administrator and for probate of will in common form and for order setting date for hearing for its probate in solemn form
- § 6:3 Form: Order appointing temporary administrator and for probate of will in common form and setting date for hearing in solemn form

Chapter 7

Qualification and Resignation of Executor or Administrator and Revocation of Appointment

§ 7:1	Qualification of executor and administrator
§ 7:2	Necessity of appointment
§ 7:3	Oath and bond
$\S~7:4$	Letters testamentary and letters of administration
§ 7:5	Revocation of appointment
§ 7:6	Removal and resignation of executor or administrator
§ 7:7	Form: Oath of executor
§ 7:8	Form: Letters testamentary
§ 7:9	Form: Declination to serve as executor
§ 7:10	Form: Resignation of executor
§ 7:11	Form: Petition to approve resignation of executrix, appointment of successor executor and issuance of letters testamentary
§ 7:12	Form: Order accepting resignation of executrix, appointment of successor executor and issuance of letters testamentary
§ 7:13	Form: Oath of administrator
§ 7:14	Form: Letters of administration
§ 7:15	Form: Letters of administration cum testamento annexo

Chapter 8

(c.t.a)

Assets of the Estate

§ 8:1	In general
§ 8:2	Joint ownership
§ 8:3	Real property—In general
§ 8:4	Real property—Leaseholds and rents
§ 8:5	Checking and savings accounts—In general
§ 8:6	Checking accounts, savings accounts, and certificates of deposit
§ 8:7	Insurance
§ 8:8	Cash and household effects
§ 8:9	United States Savings Bonds

MISSISSIPPI PROBATE AND ESTATE ADMINISTRATION

§ 8:10	Social Security benefits
§ 8:11	Medicare benefits
§ 8:12	Securities—Generally
§ 8:13	Securities—Brokerage accounts
§ 8:14	Securities—Registration in name of executor
§ 8:15	Securities—Statement from Mississippi State Tax Commission
§ 8:16	Securities—Requirements for transfer
§ 8:17	Tort and contract claims
§ 8:18	Mortgages and notes
§ 8:19	Compromise and adjustment of claims
§ 8:20	Business interests
§ 8:21	Executory contracts
§ 8:22	Form: Affidavit of domicile
§ 8:23	Form: Inquiry letter to financial institution
§ 8:24	Form: Schedule to inquiry letter

Chapter 9

Notice to Creditors and Probate of Claims

§ 9:1	Necessity for notice
§ 9:2	Failure to present claim and limitation of creditors' rights
§ 9:3	Presentment of claims
§ 9:4	Form: Notice to creditors
§ 9:5	Form: Probate of claim
§ 9:6	Form: Letter to creditors
§ 9:7	Form: Affidavit of executor

Chapter 10

Inventory, Appraisement and Year's Support

§ 10:1	In general
§ 10:2	Filing of inventory
§ 10:3	Appraisement
§ 10:4	Year's support
§ 10:5	Form: Petition for year's support
§ 10:6	Form: Order authorizing year's support

Chapter 11

Investment of Estate Assets and Raising Cash

- § 11:1 Standard of care
- § 11:2 Duty to prudently invest
- § 11:3 Raising cash
- § 11:4 Form: Estimating cash needs

Chapter 12

Sales of Estate Assets

- § 12:1 Sale of realty
- § 12:2 Procedural aspects of sale of realty
- § 12:3 Sale of personal property
- § 12:4 Form: Petition for authority to sell land
- § 12:5 Form: Order authorizing sale of land

Chapter 13

Allocation of Estate Assets

- § 13:1 In general
- § 13:2 Abatement
- § 13:3 Revised Uniform Principal and Income Act
- § 13:4 Uniform Estate Tax Apportionment Act
- § 13:5 Form: Petition for authority to apportion estate taxes
- § 13:6 Form: Order granting authority to apportion estate taxes
- § 13:7 Form: Lien notice
- § 13:8 Form: Tax lien letter to financial institution

Chapter 14

Valuation of Gross Estate

- § 14:1 In general
- § 14:2 Real property
- § 14:3 Farms and closely held businesses
- § 14:4 Stocks, bonds and mutual funds
- § 14:5 Closely held corporations

MISSISSIPPI PROBATE AND ESTATE ADMINISTRATION

§ 14:6	Mortgages, notes and cash
§ 14:7	Insurance on decedent's life
§ 14:8	Insurance on the life of another
§ 14:9	Household and personal effects
§ 14:10	United States Savings Bonds
§ 14:11	Automobiles
§ 14:12	Oil, gas and mineral interest
§ 14:13	Joint interests

Chapter 15

Estate Tax Return

§ 15:1	In general
§ 15:2	Application for employer identification number
§ 15:3	Notice of fiduciary relationship
§ 15:4	Filing requirements
§ 15:5	Sixty-day notice
§ 15:6	Extensions of time for filing returns or payment of tax
§ 15:7	Request for early audit
§ 15:8	Alternate valuation date
§ 15:9	Administration expense deductions
§ 15:10	Medical expense deductions
§ 15:11	Qualified disclaimers

Chapter 16

Final Income Tax Return for Decedent

§ 16:1	In general
§ 16:2	Extension of time to file
§ 16:3	Request for prompt assessment of tax
§ 16:4	Discharge from liability
§ 16:5	Refund due deceased taxpayer
§ 16:6	Joint returns
§ 16:7	Interest on Series E or EE bonds
§ 16:8	Medical expense deductions

Chapter 17

Fiduciary Income Tax Return

§ 17:1 In general

DETAILED TABLE OF CONTENTS

- § 17:2 Extension of time to file
- § 17:3 Request for prompt assessment of tax
- § 17:4 Payment of tax
- § 17:5 Election of a taxable year and distribution of income
- § 17:6 Administration, funeral and medical expense deductions
- § 17:7 Termination of an estate

Chapter 18

Gift Tax Returns

§ 18:1 In general

Chapter 19

Executor's Commissions and Attorney's Fees

- § 19:1 Executor's or administrator's commissions
- § 19:2 Attorney's fees
- § 19:3 Form: Petition for authority to make part payment of fees and expenses
- § 19:4 Form: Order authorizing part payment of fees and expenses

Chapter 20

Accountings

- § 20:1 Annual accounts
- § 20:2 Final accounts
- § 20:3 Vouchers
- § 20:4 Election of waiver or joinder
- § 20:5 Statement of compliance
- § 20:6 Form: Affidavit exempting bank from necessity of filing vouchers
- § 20:7 Form: Chancery summons
- § 20:8 Form: Entry of appearance and waiver of process
- § 20:9 Form: Petition for approval of first annual accounting
- § 20:10 Form: Decree approving first annual accounting
- § 20:11 Form: Petition for approval of final accounting and discharge of executor

MISSISSIPPI PROBATE AND ESTATE ADMINISTRATION

§ 20:12	Form: Order authorizing approval of final accounting and discharge of executor
§ 20:13	Form: Statement of compliance
§ 20:14	Form: Certificate of funds on deposit

Chapter 21

Will Contests

§ 21:1	Nature of will contests
§ 21:2	Standing to contest
§ 21:3	Procedure for objecting to will
§ 21:4	Jurisdiction and jury trial
§ 21:5	Grounds for will contest
§ 21:6	Initial trial burden
§ 21:7	Undue influence—In general
§ 21:8	Proving the existence of a confidential relationship
§ 21:9	Overcoming the presumption of undue influence
§ 21:10	Burden of proof of proponent and contestant
§ 21:11	Lack of testamentary or requisite mental capacity
§ 21:12	Presumption of testamentary capacity and burden of proof
§ 21:13	Failure to meet requirement of due execution and burden of proof
§ 21:14	Grounds for challenge for lack of due execution
§ 21:15	Fraud
§ 21:16	Form: Petition to contest will
§ 21:17	Form: Petitioner's first set of discovery requests to respondent
§ 21:18	Form: Respondent's first set of discovery requests
§ 21:19	Form: Notice of trial

Chapter 22

Partial Distributions, Final Distributions and Discharge of the Executor

§ 22:1	Partial distributions
§ 22:2	Final distributions—Generally
§ 22:3	Final distributions—Real estate

DETAILED TABLE OF CONTENTS

§ 22:4	Final distributions—Securities
§ 22:5	Final distributions—Automobiles
§ 22:6	Receipts and indemnity agreements
§ 22:7	Discharge of executor
§ 22:8	Form: Petition for partial distribution
§ 22:9	Form: Order approving partial distribution
§ 22:10	Form: Receipt of legacy or bequest and refunding
	agreement
§ 22:11	Form: Joint receipt for distribution of non-similar assets