

IN THE CHANCERY COURT OF \_\_\_\_\_ COUNTY, MISSISSIPPI

IN THE MATTER OF THE ESTATE OF

\_\_\_\_\_ CAUSE # \_\_\_\_\_

NAME OF ADMINISTRATOR: \_\_\_\_\_

**ATTORNEY CHECKLIST AND CERTIFICATION FOR INTESTATE ESTATES**

(To be completed, filed with the Clerk, and delivered to Judge two full working days prior to closing estate unless excused by Court)

1. This Court has jurisdiction and venue over this estate. \_\_\_\_\_ Yes. \_\_\_\_\_ No.
2. Petition to open intestate estate was filed on \_\_\_\_\_; no Will has been presented in this matter; and no Will is known to exist.
3. Judgment opening the estate was filed on \_\_\_\_\_.
4. Oath of Administrator was filed on \_\_\_\_\_.
5. Bond was waived (circle if so) or set in the amount of \$ \_\_\_\_\_.
6. Bond was posted with the Clerk of the Court on \_\_\_\_\_.
7. Letters of Administration were issued on \_\_\_\_\_.
8. The affidavit of known creditors required by MCA § 91-7-145 was properly executed by the duly qualified Administrator and filed on \_\_\_\_\_, which was before "Notice to Creditors" was filed and published.
9. Identity of known creditors to whom notice was sent by Administrator: (add pages if needed)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.



18. One year's support (widow's allowance) pursuant to MCA § 91-7-135:

Has been requested and approved by prior Order

Will be addressed in Petition to close Estate

Is not being sought by widow or supported children

Explanation: \_\_\_\_\_.

19. The Estate owes or has paid federal or state estate taxes.  yes  no.

20. The Estate has had income since it was opened; has received a 1099 or other evidence of income; or is otherwise required to file a state or federal income tax return  yes  no.

If Yes, mark all appropriate:

The Estate has filed all necessary state and federal income tax returns.

The Estate has fully paid all income taxes.

The Estate has retained/paid a CPA to prepare income tax returns and has set aside sufficient funds to pay all taxes estimated to be owed by CPA.

The Estate has obtained and filed with the clerk a certification from a CPA or tax attorney verifying that he or she will file all necessary tax returns and that the Estate will not owe any state or federal income taxes due to deductions/withholdings.

The Estate has obtained and filed with the clerk a certification from a CPA or tax attorney verifying that he or she will file all necessary tax returns and that the Estate will not owe any state or federal income taxes due to heirs assuming each's pro rata share of income and expenses. If using this certification to close before filing all returns, attorney certifies that each heir has completed a IRS form W-9 and any other documents required by the CPA to deliver k-1 form to heirs. \_\_\_\_\_ will be responsible for forwarding K-1 forms.

21. A final accounting has been waived by all heirs and other interested parties \_\_\_\_\_ or  
A final accounting has been filed in this matter and a copy served upon or provided to each heir or other interested party \_\_\_\_\_. Date filed with Clerk - \_\_\_\_\_.

22. All interested parties to this estate have been served with the petition to close and all other closing documents, including the final accounting, and they have joined in the petition or have been duly served with a Rule 81 summons, or waived process and there is a proper return or properly executed waiver or joinder for each interested party in the Court file. Identify all interested parties and indicate whether each summonsed, waived, or joined.(Add page if needed).

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\_\_\_\_\_

23. Date Petition to close filed with Clerk: \_\_\_\_\_.

24. Are any heirs at law minors or otherwise under any legal disability? \_\_\_\_\_ yes \_\_\_\_\_ no.  
If yes, identify: \_\_\_\_\_  
\_\_\_\_\_.

25. Attorney certifies that all waivers obtained from heirs or interested parties were executed only after said party received a filed copy of the Petition or pleading for which process was being waived and that all persons executing waivers are (or are verily believed to be) duly qualified to execute the same under the Mississippi Rules of Civil Procedure (i.e. not a felon, not an unmarried minor, etc.). \_\_\_\_\_ yes \_\_\_\_\_ no.

26. Will it be necessary to sell, convey or otherwise liquidate any real property interest to raise funds to pay cost of administration or creditors? \_\_\_\_\_ yes \_\_\_\_\_ no.

27. Will this estate be insolvent? \_\_\_\_\_ yes \_\_\_\_\_ no.

28. The attorney's fees and expenses, as well as those of the Administrator, and all cost of court have been disclosed to all interested persons in the petition to close estate, and no one has stated any objection to the same. \_\_\_\_\_ yes \_\_\_\_\_ no.

If no, Attorney and/or administrator must testify on the record at a hearing concerning the petition to close.

Further, if attorney fees and expenses exceed the normal range for such cases in this district (generally \$3,000 - \$5,000), attorney should submit a written, itemized statement reflecting hours worked, hourly fee (\$125 to \$175 per hour is the usual rate in this district at this time) and actual expenses incurred.

29. Funds of the Estate are held:

\_\_\_\_\_ In an FDIC insured Bank account in the name of administrator. Name of Bank and account number: \_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_ By Attorney for Administrator in his or her trust account.

\_\_\_\_\_ By the Clerk of the Court pursuant to Order of the Court (Judgement should provide direction to Clerk concerning distribution and authorize).

\_\_\_\_\_ Other. Explain - \_\_\_\_\_  
\_\_\_\_\_.

30. Name of Person(s) responsible for making distribution to heirs and/or other interested parties. \_\_\_\_\_  
\_\_\_\_\_.

31. Names of all attorneys involved in this matter and identity of client(s) represented:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

32. Other matters which will need to be addressed in Judgement or of which attorney determines he or she has a duty to disclose to the Court prior to consideration of the Petition to Close Estate and Final Accounting, including any needed explanations for responses set forth in any of foregoing 31 paragraphs: \_\_\_\_\_

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I, \_\_\_\_\_, MSB # \_\_\_\_\_, attorney for administrator and/or estate, under my oath as an officer of the Court, do hereby certify that I have reviewed the Court file in this matter and the forgoing information is true and accurate; that this estate has been properly probated; and that no further action or proceedings (other than the final hearing upon the petition to close and/or approval of final accounting) are necessary before entry of a Judgement closing this estate, except for such matters as I have set forth above in paragraph 32 of this certification.

Executed this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Attorney at Law

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

Attorney Phone #: \_\_\_\_\_

Attorney e-mail: \_\_\_\_\_