

TESTATE ESTATE CHECKLIST

ESTATE OF: _____

_____ CHANCERY CAUSE NO: _____
(County)

_____ Complaint to Probate Will, **a copy of the Will must be attached**, UCCR 6.15
Common Form to Probate. 91-7-7 (Probate in common form is prima facie evidence
of a valid Will 91-7-27 and RE *re will of Winding 783 So. 2d 707 (Miss 2001)* Solemn
Form of Probate: 91-7-19 (This requires a MRCP Rule 81 Summons)

_____ Judgment Admitting Will to Probate and Appointing Executor/Executrix

_____ Oath (signed, dated, and filed *after* Judgment is entered)

_____ Bond (unless waived in the Will)

_____ Letters Testamentary Issued by Clerk

_____ Inventory is still required by Statute *see MCA 91-7-93*

_____ Affidavit of Creditors, send to all known creditors with cover letter and filed after the
Judgment Appointing the Administrator(rix) and *before* publication *see MCA 91-7-145*.
Otherwise, your publication is void. *See Ladner 911 So.2d 673*.

_____ Affidavit (*See Rule 4 (c)(4)(D)*)

_____ Notice to Creditors issued by Clerk and sent to newspaper

_____ In the case of the testator/testatrix dying and leaving a will, which left his/her
personal estate to "his/her nearest of kin according to the laws of descent and
distribution", there needs to be a Petition to Determine Heirs at Law filed, process
had upon known heirs, publication for unknown heirs had to be completed, and a
judgment determining heirs had to be presented or will be presented in advance of
presenting the final accounting. _____ yes _____ no.

_____ Complaint for sale of Real/Personal Property w/appraisal (ask Court to set bond if
publication (90 days) has not run or waive bond and deposit funds into Court
Registry. (*See 91-7-205 and Sharpley v Plant 79 Miss 175, 28 So. 799 (1900)*)

_____ First Annual and Final Accounting, must file checks and receipts w/it, Annual
Accounting 91-7-277 attach vouchers and checks 91-7-279 fees and expenses "All

interested parties” must be served with process or waive process.

WARNING:

1. STATE TAXES - a clearance letter from the State Tax Commission may be needed
2. FEDERAL TAXES - a clearance letter from the IRS may be needed
3. MEDICAID LIEN (a letter should be sent to Medicaid at the time you send letters to Creditors)

All content

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§ 91-1-29. Determining heirs at law

MS ST § 91-1-29 • West's Annotated Mississippi Code • Title 91. Trusts and Estates (Approx. 2 pages)

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West's Annotated Mississippi Code

Title 91. Trusts and Estates

Chapter 1. Descent and Distribution (Refs & Annos)

Miss. Code Ann. § 91-1-29

§ 91-1-29. Determining heirs at law

Currentness

All the heirs at law and next of kin of said deceased who are not made parties plaintiff to the action shall be cited to appear and answer the same. And in addition thereto a summons by publication shall be made addressed to "The heirs at law of _____, Deceased," and shall be published as other publications to absent or unknown defendants, and the cause shall be proceeded with as other causes in chancery, and upon satisfactory evidence as to death of said person and as to the fact that the parties to said suit are his sole heirs at law, the court shall enter a judgment that the persons so described be recognized as the heirs at law of such a decedent, and as such be placed in possession of his estate. And said judgment shall be evidence in all the courts of law and equity in this state that the persons therein named are the sole heirs at law of the person therein described as their ancestor.

Credits

Laws 1991, Ch. 573, § 127, eff. July 1, 1991.

Notes of Decisions (27)

Miss. Code Ann. § 91-1-29, MS ST § 91-1-29

The Statutes and Constitution are current with laws from the 2023 Regular Session effective through March 30, 2023. Some statute sections may be more current, see credits for details. The statutes are subject to changes provided by the Joint Legislative Committee on Compilation, Revision and Publication of Legislation.