

By: Tollison, Chamberlin

To: Judiciary

SENATE BILL NO. 2536

1 AN ACT TO AMEND SECTION 91-7-41, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE EXECUTION OF THE REQUIRED OATH BY AN EXECUTOR SO THAT
3 THE EXECUTION THEREOF MAY PRECEDE IN TIME THE SIGNING OF THE ORDER
4 BY THE JUDGE; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 SECTION 1. Section 91-7-41, Mississippi Code of 1972, is
7 amended as follows:[CSQ1]

8 91-7-41. Every executor or administrator with the will
9 annexed, at or prior to the time of obtaining letters testamentary
10 or of administration, shall take and subscribe the following oath,
11 viz.:

12 "I do swear that the writing exhibited by me is the true last
13 will and testament of _____, as far as I know and believe, and that
14 I, if and when appointed as executor, will as executor well and
15 truly execute the same according to its tenor, and discharge the
16 duties required by law."

17 He will also give bond in such penalty as will be equal to
18 the full value of the estate, and with such sureties as may be
19 approved of by the court or by the clerk, payable to the state,
20 with the following conditions, viz.:

21 "The condition of this bond is, that if the above bound _____,
22 as executor of the last will and testament of _____, shall well and
23 truly execute the will as far as the same may be consistent with
24 law, and faithfully discharge all the duties required of him by
25 law, then this obligation shall be void." If the obligor be
26 administrator with the will annexed, then say "the above bound
27 _____, as administrator with the will of _____ annexed, will," etc.

28 SECTION 2. This act shall take effect and be in force from
29 and after July 1, 2000.