

By: Representative Ford

To: Judiciary A

HOUSE BILL NO. 495

1 AN ACT TO AMEND SECTIONS 91-7-47 AND 91-7-63, MISSISSIPPI  
2 CODE OF 1972, TO EXTEND THE REPEALER ON THE RIGHTS AND DUTIES OF  
3 EXECUTORS AND ADMINISTRATORS AND ON THE GRANT OF ADMINISTRATION;  
4 AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 91-7-47, Mississippi Code of 1972, is  
7 amended as follows:

8 91-7-47. (1) Every executor or administrator with the will  
9 annexed, who has qualified, shall have the right to the possession  
10 of all the personal estate of the deceased, unless otherwise  
11 directed in the will; and he shall take all proper steps to  
12 acquire possession of any part thereof that may be withheld from  
13 him, and shall manage the same for the best interest of those  
14 concerned, consistently with the will, and according to law. He  
15 shall have the proper appraisements made, return true and complete  
16 inventories except as otherwise provided by law, shall collect all  
17 debts due the estate as speedily as may be, pay all debts that may  
18 be due from it which are properly probated and registered, so far  
19 as the means in his hands will allow, shall settle his accounts as  
20 often as the law may require, pay all the legacies and bequests as  
21 far as the estate may be sufficient, and shall well and truly  
22 execute the will if the law permit. He shall also have a right to  
23 the possession of the real estate so far as may be necessary to  
24 execute the will, and may have proper remedy therefor.

25 (2) In addition to the rights and duties contained in this  
26 section, he shall also have those rights, powers and remedies as  
27 set forth in Section 91-9-9. The provisions of this subsection  
28 shall stand repealed from and after July 1, 2003.



29           **SECTION 2.** Section 91-7-63, Mississippi Code of 1972, is  
30 amended as follows:

31           91-7-63. (1) Letters of administration shall be granted by  
32 the chancery court of the county in which the intestate had, at  
33 the time of his death, a fixed place of residence; but if the  
34 intestate did not have a fixed place of residence, then by the  
35 chancery court of the county where the intestate died, or that in  
36 which his personal property or some part of it may be. The court  
37 shall grant letters of administration to the relative who may  
38 apply, preferring first the husband or wife and then such others  
39 as may be next entitled to distribution if not disqualified,  
40 selecting amongst those who may stand in equal right the person or  
41 persons best calculated to manage the estate; or the court may  
42 select a stranger, a trust company organized under the laws of  
43 this state, or of a national bank doing business in this state, if  
44 the kindred be incompetent. If such person does not apply for  
45 administration within thirty (30) days from the death of an  
46 intestate, the court may grant administration to a creditor or to  
47 any other suitable person.

48           (2) In addition to the rights and duties of the  
49 administrator contained in this chapter, he shall also have those  
50 rights, powers and remedies as set forth in Section 91-9-9. The  
51 provisions of this subsection shall stand repealed from and after  
52 July 1, 2003.

53           **SECTION 3.** This act shall take effect and be in force from  
54 and after July 1, 2002.

