

By: Representative Ford

To: Judiciary A

HOUSE BILL NO. 495
(As Passed the House)

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28 shall stand repealed from and after July 1, 2004.



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, 2004.

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

