

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

House Bill NO. 495

By Senator(s) Committee

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

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

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

28 (2) In addition to the rights and duties contained in this

section, he shall also have those rights, powers and remedies as set forth in Section 91-9-9. * * *

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

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

(2) In addition to the rights and duties of the administrator contained in this chapter, he shall also have those rights, powers and remedies as set forth in Section 91-9-9. * * *

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

Further, amend by striking the title in its entirety and inserting in lieu thereof the following:

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